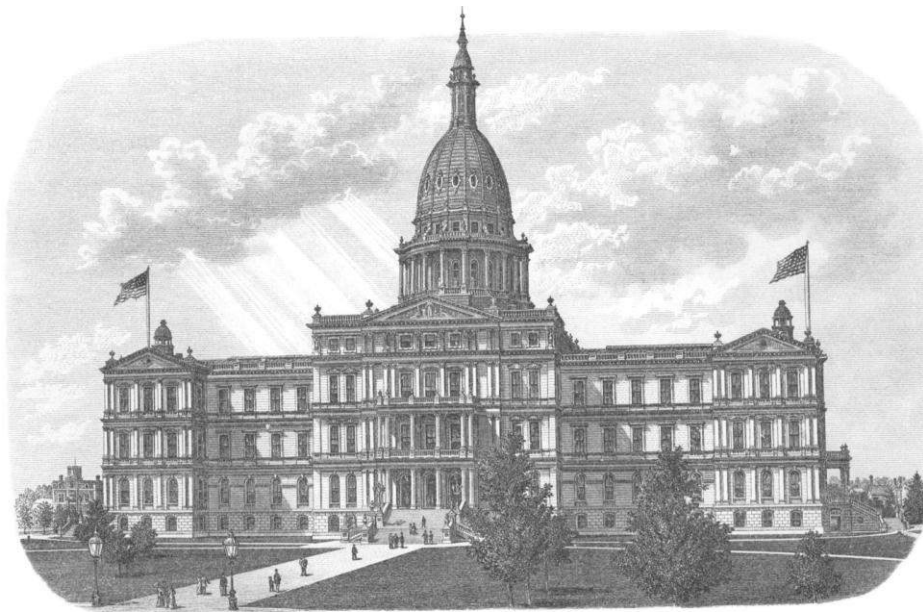


# Michigan Register

Issue No. 23 – 2014 (Published January 1, 2015)



# GRAPHIC IMAGES IN THE MICHIGAN REGISTER

## COVER DRAWING

### *Michigan State Capitol:*

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

## PAGE GRAPHICS

### *Capitol Dome:*

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19<sup>th</sup> century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

### *East Elevation of the Michigan State Capitol:*

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

# Michigan Register

Published pursuant to § 24.208 of  
The Michigan Compiled Laws



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(This issue, published January 1, 2015, contains  
documents filed from December 1, 2014 to December 15, 2014)

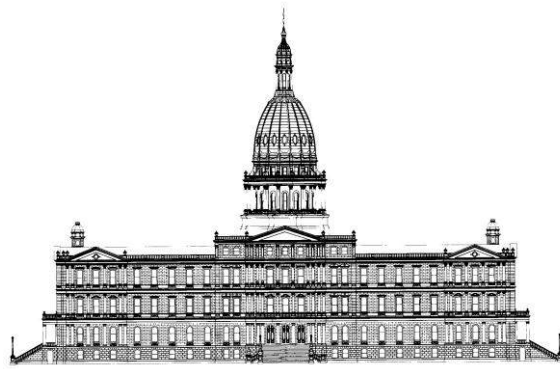
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**Mike Zimmer**, Acting Director, Office of Regulatory Reinvention; **Deidre O’Berry**, Administrative Rules Specialist for Operations and Publications.

**Rick Snyder, Governor**



**Brian Calley, Lieutenant Governor**

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## PREFACE

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### PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

**24.208 Michigan register; publication; cumulative index; contents; public subscription; fee; synopsis of proposed rule or guideline; transmitting copies to office of regulatory reform.**

Sec. 8.

(1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
- (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
- (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
- (d) Proposed administrative rules.
- (e) Notices of public hearings on proposed administrative rules.
- (f) Administrative rules filed with the secretary of state.
- (g) Emergency rules filed with the secretary of state.
- (h) Notice of proposed and adopted agency guidelines.
- (i) Other official information considered necessary or appropriate by the office of regulatory reform.
- (j) Attorney general opinions.
- (k) All of the items listed in section 7(m) after final approval by the certificate of need commission under section 22215 of the public health code, 1978 PA 368, MCL 333.22215.

(2) The office of regulatory reform shall publish a cumulative index for the Michigan register.

(3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.

(4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.

(5) An agency shall electronically transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

**4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register; availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.**

Sec. 203.

- (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.
- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

**CITATION TO THE MICHIGAN REGISTER**

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

**CLOSING DATES AND PUBLICATION SCHEDULE**

The deadlines for submitting documents to the Office of Regulatory Reinvention for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reinvention is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reinvention, Ottawa Building – Second Floor, 611 W. Ottawa Street, Lansing, MI 48909.

### **RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE**

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

### **SUBSCRIPTIONS AND DISTRIBUTION**

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: Office of Regulatory Reinvention, Ottawa Building – Second Floor, 611 W. Ottawa Street, Lansing, MI 48909. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reinvention (517) 335-8658.

### **INTERNET ACCESS**

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reinvention: [www.michigan.gov/orr](http://www.michigan.gov/orr).

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reinvention Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Mike Zimmer, Acting Director  
Office of Regulatory Reinvention



## 2014 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2014	February 1, 2014
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3	February 15, 2014	March 1, 2014
4	March 1, 2014	March 15, 2014
5	March 15, 2014	April 1, 2014
6	April 1, 2014	April 15, 2014
7	April 15, 2014	May 1, 2014
8	May 1, 2014	May 15, 2014
9	May 15, 2014	June 1, 2014
10	June 1, 2014	June 15, 2014
11	June 15, 2014	July 1, 2014
12	July 1, 2014	July 15, 2014
13	July 15, 2014	August 1, 2014
14	August 1, 2014	August 15, 2014
15	August 15, 2014	September 1, 2014
16	September 1, 2014	September 15, 2014
17	September 15, 2014	October 1, 2014
18	October 1, 2014	October 15, 2014
19	October 15, 2014	November 1, 2014
20	November 1, 2014	November 15, 2014
21	November 15, 2014	December 1, 2014
22	December 1, 2014	December 15, 2014
23	December 15, 2014	January 1, 2015
24	January 1, 2015	January 15, 2015

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**ADMINISTRATIVE RULES**  
**FILED WITH THE SECRETARY OF STATE**

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*MCL 24.208 states in part:*

*“Sec. 8. (1) The Office of Regulatory Reinvention shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\*       \*       \*

*(f) Administrative rules filed with the secretary of state.”*

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**ADMINISTRATIVE RULES**

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DEPARTMENT OF HUMAN SERVICES

BUREAU OF CHILDREN AND ADULT LICENSING

CHILD PLACING AGENCIES

Filed with the Secretary of State on December 4, 2014

These rules take effect 30 days after filing with the Secretary of State.

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the Department of Human Services by sections 2, 5, 10, and 14 of 1973 PA 116 and Reorganization Nos. 1996-1, 1996-2, 2003-1 and 2004-4 MCL 722.112, 722.115, 722.120, 722.124 330.3101, 445.2001, 445.2011, and 400.226)

R 400.12101, R 400.12104, R 400.12105, R 400.12203, R 400.12204, R 400.12205, R 400.12206, R 400.12207, R 400.12209, R 400.12212, R 400.12303, R 400.12304, R 400.12305, R 400.12306, R 400.12307, R 400.12309, R 400.12310, R 400.12311, R 400.12312, R 400.12313, R 400.12314, R 400.12315, R 400.12316, R 400.12317, R 400.12403, R 400.12404, R 400.12405, R 400.12409, R 400.12413, R 400.12415, R 400.12417, R 400.12418, R 400.12419, R 400.12420, R 400.12502, R 400.12503, R 400.12504, R 400.12505, R 400.12506, R 400.12507, R 400.12509, R 400.12602, R 400.12603, R 400.12604, R 400.12605, R 400.12606, R 400.12607, R 400.12608, R 400.12701, R 400.12702, R 400.12703, R 400.12704, R 400.12705, R 400.12706, R 400.12707, R 400.12708, R 400.12709, R 400.12710, R 400.12711, R 400.12712, and R 400.12713 of the Michigan Administrative Code are amended; R 400.12318, R 400.12319, R 400.12320, R 400.12321, R 400.12322, R 400.12323, R 400.12324, R 400.12325, R 400.12326, R 400.12327, R 400.12328, R 400.12421, R 400.12422, R 400.12510, R 400.12511, R 400.12801, R 400.12802, R 400.12803, R 400.12804, R 400.12805, R 400.12806, R 400.12807, and R 400.12808 are added to the Code; and R 400.12406, R 400.12407, R 400.12408, R 400.12410, R 400.12412, R 400.12414, R 400.12416 and R 400.12508 are rescinded.

PART 1. GENERAL PROVISIONS

R 400.12101 Definitions.

Rule 101. As used in these rules:

(a) “Act” means 1973 PA 116, as amended, being MCL 722.111 to 722.128, and known as the child care organization licensing act.

(b) “Agency” means a child-placing agency as defined in section 1 of the act.

(c) “Chief administrator” means the person designated by the licensee as having the day-to-day responsibility for the overall administration of a child placing agency and for assuring the care, safety, and protection of children and families served.

- (d) “Concurrent planning” means simultaneously planning for reunification and alternative permanence.
- (e) “Contribution” means the payment of money or donation of goods or services.
- (f) “Corporal punishment” means hitting, paddling, shaking, slapping, spanking or any other use of physical force as a means of behavior management except as provided in R 400.12313(4).
- (g) “Department” means the Michigan department of human services.
- (h) “Deemed status” means a status conferred on an organization based on a professional standards review by a national accrediting organization that recognizes that the organization’s programs meet certain effectiveness criteria.
- (i) “Emergency placement” means a placement that is made in response to a sudden unexpected occurrence which demands immediate action.
- (j) “Foster child” means a person who meets all of the following criteria:
  - (i) Resides in an out of home placement based on a court order or who has been reunified with a parent or guardian but continues under the wardship and supervision of the court or is temporarily placed by a parent or guardian for a limited time in a foster home as defined by section 1 of 1973 PA116, MCL 722.111 or has been released by a parent to the department or a child placing agency under to section 22 of 1939 PA 288, MCL 710.22
  - (ii) Is placed with or committed to the department for care and supervision by a court order under section 2 of 1939 PA 288, MCL 712A.2.
  - (iii) Is less than 18 years of age or is 18 years of age or older and was in foster care before turning 18 year of age and agrees to remain in care following termination of court jurisdiction.
- (k) “Foster home” means foster family home or foster family group home, as defined in section 1 of 1973 PA 116, MCL 722.111.
- (l) “Human behavioral science” means a degree from an accredited college or university in any of the following:
  - (i) Social work.
  - (ii) Psychology.
  - (iii) Counseling and guidance.
  - (iv) Child development
  - (v) Criminal justice.
  - (vi) Family and child ecology.
  - (vii) Sociology.
  - (viii) Family community services.
  - (ix) Family studies.
  - (x) Family Live education
  - (xi) Human services
- (m) “Independent living” means the placement, by an agency, of a youth who is not less than 16 years old in his or her own unlicensed residence, the residence of an adult who does not have supervisory responsibility for the youth, or in a residence under the control of the agency. The authorized agency or governmental unit retains supervisory responsibility for the youth.
- (n) “Infant” means a child between birth and 12 months of age.
- (o) “Licensing authority” means the administrative unit of the department that has responsibility for making licensing and approval recommendations for a child placing agency.
- (p) “Licensee designee” means the individual who is authorized by the board of directors, or the governing body for a public agency, to act on behalf of the corporation or organization on licensing matters.



(q) “Member of the household” means any person, other than a foster child, who resides in a foster or adoptive home on an ongoing or recurrent basis.

(r) “Parent” means a legal parent and includes a custodial parent, noncustodial parent, or adoptive parent.

(s) “Placement” means moving a child to an out-of-home living arrangement for purposes of foster care, adoption, or independent living; or from out-of-home placement to another out-of-home placement.

(t) “Social service supervisor” means a person who supervises a social service worker. A social service supervisor may also function as a social service worker in the temporary absence of the social service worker if the provisions of R 400.12205 are met.

(u) “Social service worker” means a person who performs social services functions covered by these rules.

(v) “Staff” means a person who is any of the following:

(i) Employed by an agency.

(ii) A volunteer for the agency.

(III) A person who is under contract to the agency.

(w) “Substantial noncompliance” means repeated violation of the act or an administrative rule promulgated under the act, or noncompliance with the act, a rule promulgated under the act, or the terms of a license that jeopardizes the health, safety, care, treatment, maintenance, or supervision of individuals receiving services or, in the case of an applicant, individuals who may receive services.

(x) “Substitute care provider” means a person who provides care and supervision in the absence of the foster parent for any length of time.

(y) “Tribe” means a federally **recognized tribe**.

(z) “Willful noncompliance” means that after receiving a copy of the act, the rules promulgated under the act, and a copy of the terms of the license if applicable, an applicant or licensee knows or had reason to know that his or her conduct is a violation of the act, the rules promulgated under the act, or the terms of the license.

#### R 400.12104 Deemed status.

Rule 104. (1) The department may accept, for the purpose of determining rule compliance, evidence that the child placing agency is accredited by the council on accreditation or other nationally recognized accrediting body whose standards closely match state licensing regulations.

(2) All of the following apply to deemed status:

(a) The organization may request deemed status when the accreditation site inspection is less than 12 months old.

(b) When deemed status is requested, an organization shall submit a copy of the most recent accreditation report to the department.

(c) An organization shall only be eligible for deemed status if the license is on a regular status.

(3) The acceptance of accreditation in subrule (1) of this rule does not prohibit the department from conducting on-site inspections or investigations of any rule at intervals determined by the department.

#### R 400.12105 Public review.

Rule 105. An agency shall make all written policies, procedures, and program statements, required by these administrative rules, available for review by the public.

## PART 2. AGENCY SERVICES

R 400.12203 Financial stability.

Rule 203. (1) An agency shall initially and annually develop and implement a plan of financing for the operation of the agency in carrying out its programs and meeting the requirements for licensing. A plan of financing shall include all of the following:

- (a) A listing of all income sources and the anticipated amount of income for the current fiscal year.
- (b) An annual budget for the current fiscal year.
- (c) A copy of the income and expenditures from the previous fiscal year.
- (d) A copy of the nonprofit tax return from the previous fiscal year.
- (e) An audit of all financial accounts conducted annually by an independent certified public accountant not administratively related to the agency. A copy of the audit shall be available to the department upon request.

(2) Subdivision (d) and (e) of subrule (1) do not apply to a governmentally operated agency.

R 400.12204 Facilities.

Rule 204. (1) An agency shall provide and maintain sufficient office space, equipment, and supplies to ensure the delivery of services.

- (2) An agency shall have physical office space with a Michigan street address.
- (3) An organization may maintain satellite offices when the following conditions are met:
  - (a) The agency has notified the department in writing prior to opening the satellite office and has received approval to open the satellite office.
  - (b) The agency provides on-site supervision at the satellite office at least 2 days a week.
  - (c) The files are made available for review at the agency main location when requested by the department.

R 400.12205 Required staff.

Rule 205. (1) An agency shall employ or contract for all of the following staff positions:

- (a) Chief administrator.
- (b) Social service supervisor.
- (c) Social service worker.
- (2) An agency shall appoint a chief administrator who possesses at least 1 of the following:
  - (a) A master's degree in a human behavioral science, or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences, business administration, or public administration from an accredited college or university and 2 years of experience in an agency or child caring institution, at least 1 of which is in a management capacity.
  - (b) A bachelor's degree in a human behavioral science, or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences, business administration, or public administration from an accredited college or university and 4 years of post- bachelor's degree experience in an agency or child caring institution, at least 2 of which are in a management capacity.
- (3) An agency shall report any change of chief administrator by the next business day to the department.
- (4) An agency shall appoint a social service supervisor who possesses the qualifications in either of the following:
  - (a) A master's degree from an accredited college or university in a human behavioral science or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences and 1 year of experience as a social service worker in an agency, or a child caring institution, or in an agency in a child welfare function.

(b) A bachelor's degree from an accredited college or university in a human behavioral science, or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences, and 4 years of experience as a social service worker, 2 years of which are in an agency or in a child caring institution, or in an agency in a child welfare function.

(5) An agency shall appoint a social service worker who possesses at least a bachelor's degree from an accredited college or university with a major in a human behavioral science, or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences.

(6) A person who is employed by the agency or who has a contract with the agency and who fulfills more than 1 function specified by subrule (1) of this rule shall meet the requirements for each position.

(7) If a social service worker also has social service supervisor responsibilities, as permitted under subrule (6) of this rule, then the worker shall not supervise his or her own tasks as a social service worker.

(8) An agency shall employ or contract for a sufficient number of competent staff to carry out the provisions covered by these rules. The workload for each staff member shall not be more than any of the following:

(a) Five social service workers per supervisor.

(b) Fifteen children assigned to a social services worker for purposes of providing direct services in foster care, independent living, adoption, or post adoption services or a combination thereof.

(c) Thirty certified or enrolled foster homes per social service worker.

#### R 400.12206 Staff qualifications.

Rule 206. (1) An agency shall require a staff member who has ongoing contact with children or parents to be a person who has the ability, experience, education, and training to perform the duties assigned.

(2) An agency's policy on staff qualifications shall state all of the following:

(a) A person who has unsupervised contact with children may not have been convicted of either of the following:

(i) Child abuse or neglect.

(ii) A felony involving harm or threatened harm to an individual within the 10 years immediately preceding the date of hire.

(b) A person who is listed on the central registry as a perpetrator of child abuse or child neglect shall not have unsupervised contact with children.

#### R 400.12207 Staff responsibilities.

Rule 207. (1) An agency shall designate that the chief administrator is responsible for the day-to-day operation of the agency and for ensuring compliance with the applicable provisions of these rules.

(2) An agency chief administrator shall be administratively responsible for all of the following functions:

(a) Not less than once annually, conduct a written assessment and verify the agency's compliance with the applicable provisions of these rules.

(b) Assess all disrupted and unplanned removals of children from foster homes, independent living, and adoptive homes to identify systemic trends and patterns of those disrupted and unplanned removals.

(c) Within 6 months, develop and implement a written plan to correct noncompliance identified in subdivision (a) of this subrule and address causes of disrupted and unplanned removals identified in subdivision (b) of this subrule.

(d) Provide space for staff and children served to be interviewed privately by police, regulatory staff, or other entities investigating activities of the agency related to safety of children and compliance with statute and promulgated rules.

(3) An agency shall require that social service workers be directly responsible for all of the following activities:

(a) Placing and supervising children in out-of-home care. Social service workers shall work directly with the children, their families, and other relevant individuals and be primarily responsible for the development, implementation, and review of service plans for the children and their families.

(b) Assessing and certifying private family homes for licensure and supervising the homes.

(c) Conducting evaluations of private family homes for purposes of adoption.

(d) Assessing of children for adoptive placement.

(4) An agency shall require social service aides to be directly responsible to a social service worker or social service supervisor. A social service aide may provide clearly defined support functions, but shall not have responsibility for any of the following:

(a) Case planning.

(b) Selecting placements.

(c) Foster home certification.

(d) Making visits required under R 400.12419, R 400.12505, R 400.12711 or R 400.12806

(e) Conducting adoptive family evaluations.

R 400.12209 Orientation and training.

Rule 209. (1) An agency shall ensure and document that each social service worker and each social service supervisor receives not less than 16 hours of orientation after initial appointment and before assumption of assigned duties.

(2) An agency shall ensure and document that each social service worker and each social service supervisor receives not less than 15 hours of training relating to his or her current position within the first year of being assigned to the position.

(3) An agency shall ensure and document that each social service worker and each social service supervisor receives not less than 15 hours of planned training relating to his or her current position annually after the time periods specified in subrules (1) and (2) of this rule.

(4) The orientation and training specified in subrules (1) and (2) of this rule for each social service worker shall include all of the following topics:

(a) Characteristics and needs of children and families served by the agency.

(b) Requirements of applicable statutes relating to the services the agency provides that are subject to these rules.

(c) Agency expectations for the social service worker to facilitate and supervise the care of children and to work with families that are served by the agency.

(d) Agency expectations for the social service worker's role and responsibility with foster parents and other persons who provide care or services to children and families served by the agency.

(e) Agency expectations for developing, maintaining, and reviewing initial and updated service plans for children and families served by the agency.

R 400.12212 Personnel records.

Rule 212. (1) An agency shall maintain a personnel record for each staff member.

(2) The personnel record shall contain all of the following information before employment may occur:

(a) Name.

- (b) Verification of education.
  - (c) Work history.
  - (d) Three references obtained from persons who are unrelated to the staff person.
  - (e) A record of any convictions other than minor traffic violations from either of the following:
    - (i) The Michigan state police or the equivalent state or Canadian provincial law enforcement agency where the person usually resides.
    - (ii) An entity accessing either Michigan state police records or equivalent state or Canadian provincial law enforcement agency where the person usually resides.
  - (f) If the employee has criminal convictions, the chief administrator or his or her designee shall complete a written evaluation of the convictions that addresses the nature of the conviction, the length of time since the conviction, and the relationship of the conviction to regulated activity.
  - (g) A written statement from the employee regarding any convictions.
  - (h) Documentation from the department that the person has not been named in a central registry case as the perpetrator of child abuse or neglect in Michigan or in any state where the person lived in the 5 years preceding hire.
- (3) The personnel record shall contain both of the following:
- (a) A written evaluation of a staff member's performance within a probationary period or not later than 6 months after the staff member assumes his or her current responsibilities. After the initial evaluation, a written evaluation shall be conducted each year.
  - (b) A copy of the job description for the staff member's current position.
  - (4) An agency shall maintain an orientation and training record for staff members.

### PART 3. FOSTER HOME CERTIFICATION

#### R 400.12303. Policy and procedures.

Rule 303. (1) An agency shall have and follow written policies and procedures for assessing and certifying foster homes for licensure. An agency may not have a policy related to certifying homes that violates section 102 of the Elliott-Larsen Civil Rights Act, 1976 PA 453, MCL 37.2102.

(2) Policies and procedures shall cover all of the following areas and be on forms provided, and in a manner prescribed, by the department:

- (a) Recruitment and retention.
- (b) Certification training.
- (c) Application request.
- (d) Orientation.
- (e) Application submission.
- (f) Records check.
- (g) Initial evaluation.
- (h) Foster parent/agency agreement.
- (i) Foster parent training.
- (j) Behavior management.
- (k) Religion.
- (l) Communication.
- (m) Personal possessions.
- (n) Allowance and money.
- (o) Clothing.
- (p) Substitute care.

- (q) Supervision.
- (r) Hazardous materials.
- (s) Unusual incidents.
- (t) Emergency policy.
- (u) Reevaluation.
- (v) License recommendation.
- (w) Borrowed home.
- (x) Special evaluation.
- (y) Foster home record.

R 400.12304. Recruitment and retention.

Rule 304. (1) An agency shall have an ongoing foster home recruitment program to ensure an adequate number of suitable and qualified homes to meet the needs of children served by the agency.

(2) An agency shall develop, implement, and maintain a program of foster home retention that includes foster parent involvement.

R 400.12305. Certification training.

Rule 305. (1) An agency shall ensure that all supervisors of social service workers who perform foster home certification functions receive certification training and special evaluation training provided by the department.

(2) An agency shall ensure that all social service workers who perform foster home certification functions receive certification training and special evaluation training provided by the department.

R 400.12306 Application request.

Rule 306. (1) An agency shall provide an orientation for prospective applicants for a foster home license before a foster home application is provided.

(2) An agency shall document that the applicant has expressed a willingness to care for the types of children served by the agency before providing a foster home application.

(3) An agency shall document that a person who has met the requirements of subrule (1) of this rule has received an application and information regarding all of the following:

- (a) A copy of the act.
- (b) Administrative rules for foster homes.
- (c) Administrative rules for child placing agencies.
- (d) Good moral character rules.
- (e) The child protection law.
- (f) The children's ombudsman act.
- (g) The agency's program statement.
- (h) The agency's foster care services policies.
- (i) The agency's foster parent training requirements.

(4) An agency shall document that the licensee has been given an application for renewal of the license not less than 60 calendar days before the expiration date of the license.

R 400.12307 Orientation.

Rule 307. An agency foster parent orientation shall consist of all of the following areas:

- (a) Purposes of foster care.
- (b) Characteristics and needs of the children placed by the agency.
- (c) Attachment and separation issues.

- (d) Impact of fostering on the foster family.
- (e) Role of the foster family.
- (f) Licensing process.
- (g) Grievance procedure.
- (h) Importance of a child's family.
- (i) Parent and sibling visits.
- (j) Agency foster care policies and procedures.
- (k) Agency foster parent training requirements.
- (l) Supportive services and resources.
- (m) Provisions of the children's ombudsman act.
- (n) Provisions of the child protection act.
- (o) Foster care review board appeal procedures.

R 400.12309 Records check.

Rule 309. (1) An agency shall, upon receipt of an application, request the department of state police to conduct both a criminal history check and a criminal records check through the federal bureau of investigation for applicants. The agency shall also request the department to conduct a criminal history check on all persons residing in the home over 18 years of age. Additional checks shall pertain to previous licenses, and substantiated child abuse and neglect records for all applicants and persons residing in the home 18 years of age or over in Michigan and in all states where the applicant has resided in the 5 years preceding the application.

(2) An agency shall initiate a new records check if it receives information indicating a lack of good character or suitability of any person residing in the home who is 18 years of age or over who is not a licensee.

(3) An agency shall initiate a criminal history check of a resident minor within 30 days after turning 18 years of age.

R 400.12310 Initial evaluation.

Rule 310. (1) An agency social service worker shall complete a written initial foster home evaluation before certifying the home for licensure.

(2) The report shall include the dates and places of contacts and persons interviewed or observed.

(3) The report shall be an assessment of all of the following:

(a) Visits at the residence of the foster home applicants for observations of, and interviews with, each member of the household to determine all of the following:

(i) Marital and family status and history, including current and past level of family functioning and relationships and any incidents of domestic violence.

(ii) Educational history and any special skills and interests.

(iii) Employment history, current financial status, including property and income, money management skills, and outstanding financial obligations.

(iv) Physical, mental, and emotional health of each member of the household.

(v) Any history of substance abuse, including alcohol, drugs, or controlled substances by each member of the household and a description of any treatment received.

(vi) Current substance use, including alcohol, drugs, or controlled substances by each member of the household and a description of any treatment currently being received.

(vii) Parenting skills and attitudes toward children.

(viii) Methods of discipline of children.

(ix) Adjustment and special needs of the applicant's own children including children not living in the home.

(x) Strengths and weaknesses of each member of the household.

(xi) Experiences with own parents and any history of out-of-home care.

(xii) Reasons for applying to be a foster family.

(xiii) Previous licenses or experience in providing child foster care, child day care, or adult foster care.

(xiv) Willingness to accepting a foster child with the child's individual characteristics, needs, and background.

(xv) Willingness to parent cross-racially or cross-culturally and to create an atmosphere that fosters the racial identity and culture of a foster child.

(xvi) Willingness and ability to work with birth families and to understand the foster child's attachment to the birth family.

(xvi) An understanding of and willingness to participate in concurrent planning.

(xviii) Willingness and ability to give a foster child guidance, love, and affection and accept the child as a member of the household.

(xix) Existence of social support system and alternate care providers.

(xx) Spirituality or religious beliefs.

(b) Previous adoption evaluations or placements.

(c) Previous criminal convictions, and substantiated child abuse or neglect ~~for~~ investigations or concerns brought to the agency's or department's attention for any member of the household.

(d) Three current references from persons not related to the applicants. The agency shall evaluate any negative references.

(e) A medical statement for each member of the household that indicates that the member has no known condition which would affect the care of a foster child. The statement shall be signed by a physician, physician's assistant or nurse practitioner within the 12-month period before the initial evaluation.

(f) Safety and maintenance of the applicant's house and property, including but not limited to: sufficient beds and sleeping space, pets, guns and other weapons, and water hazards.

(g) Assessment of the neighborhood, schools, ~~and~~ community and available resources.

(h) The age, number, gender, race, ethnic background, and the special characteristics of children preferred by the applicants.

(i) Training needs of the family.

(4) An agency shall document placement specifications consistent with the information contained in the evaluation. The placement specifications shall include the following:

(a) Age;

(b) Gender

(c) Race

(d) Number of children preferred by the family.

(e) Characteristics of children best served by the family,

(f) Children who may not be placed in the home. The child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.

(5) An agency shall inform the applicant of the department's policies and procedures regarding concurrent planning.

(6) An agency shall inform the applicant that a copy of the initial evaluation is available upon request.

R 400.12311 Foster parent/agency agreement.



Rule 311. (1) An agency shall have a written foster parent/agency agreement signed by the foster parent and the agency before initially certifying a foster home for licensure.

(2) The foster parent/agency agreement shall contain all of the following provisions:

(a) The responsibilities of the agency.

(b) The services to be provided to foster children and the foster family.

(c) The responsibilities of the foster family.

(d) That the foster family has been informed of, and agrees to follow, agency policies and procedures.

(e) The role of the lawyer guardian ad litem and the court.

(3) An agency shall document review of the foster parent/agency agreement with the foster family at least annually and, when needed, develop a new agreement.

(4) An agency shall give a foster family a copy of the signed current foster parent/agency agreement.

R 400.12312 Foster parent training.

Rule 312. (1) An agency shall develop a foster parent training plan with the participation of foster parents.

(2) The foster parent training plan shall provide for all of the following:

(a) The individual training needs of the foster parents.

(b) Not less than 12 hours of training to be completed by each person named on the license before a recommendation is made for licensure. Not more than 6 hours of orientation may be included as part of the initial 12 hours of training.

(c) Not less than 6 hours of training annually for each licensee after the time periods specified in subdivisions (b) of this subrule.

(3) The training specified in subrule (2)(a), and (b), of this rule shall address all of the following areas:

(a) Characteristics and needs of children who may be placed into the home.

(b) Safe sleep practices for infants.

(c) Effective parenting.

(d) Behavior management, including de-escalation techniques.

(e) Importance of the foster child's family.

(f) Concurrent planning.

(g) Role of the agency.

(h) Emergency procedures, first aid, and fire safety.

(i) Preparation of the foster child for permanence and independence.

(j) The role of the court and lawyer guardian ad litem in permanency planning.

(4) At least 1 adult member of the household shall have training in and maintain a current certification in first aid from the American Heart Association or the American Red Cross or other institution approved by the department.

(5) An agency shall document all training received by each foster parent.

R 400.12313 Behavior management policy.

Rule 313. (1) An agency's behavior management policy shall identify appropriate and specific methods of behavior management for foster children.

(2) An agency shall ensure that methods of behavior management for a foster child are positive and consistent, based on each foster child's needs, stage of development, and behavior, and promote self-control, self-esteem, and independence. Problems of child training shall be handled with sympathy and understanding.

(3) All of the following are prohibited:

(a) Corporal punishment, excessive restraint, or any kind of punishment inflicted on the body.

- (b) Confinement in an area such as a closet or locked room.
- (c) Withholding food, clothing, rest, toilet use, or entrance to the foster home.
- (d) Mental or emotional cruelty.
- (e) Verbal abuse, threats, or derogatory remarks.
- (f) Prohibiting visits or communication with a foster child's family.
- (g) Denial of necessary educational, medical, counseling, or social work services.
- (4) A foster parent may use reasonable restraint to prevent a foster child from harming himself or herself, other persons, or to prevent serious property damage.

R 400.12314 Religion policy.

Rule 314. An agency's religion policy shall, at a minimum, ensure that the foster child has the opportunity to receive religious instruction and attend religious services. A foster child shall not be required to attend religious services or follow specific religious doctrine.

R 400.12315 Communication.

Rule 315. An agency's communication policy shall ensure that a child is able to communicate with family and friends in a manner appropriate to the child's functioning and consistent with the child's treatment plan.

R 400.12316 Personal possessions.

Rule 316. An agency's personal possessions policy shall, at a minimum, address both of the following:

- (a) Assuring that a child has a right to have his or her personal possessions during placement with a foster family and when leaving the foster family.
- (b) All gifts and clothing that are purchased for the child during placement with the foster family shall remain the property of the foster child.

R 400.12317 Allowance and money policy.

Rule 317. (1) The agency's policy on allowance shall, at a minimum, specify the following:

- (a) General guidelines that provide a monetary range based on a child's age.
- (b) Allowance for specific youth will be determined by the social services worker and the foster parent based on the child's age and treatment needs.
- (c) How the agency monitors allowance.
- (2) Any money earned or received directly by the child remains the property of the child.

R 400.12318 Clothing policy.

Rule 318. The agency's clothing policy for foster parents shall specify both of the following:

- (a) A foster parent shall ensure that a foster child has the minimum required clothing specified by the agency's policy and leaves the foster home with not less than the minimum required clothing.
- (b) All clothing the child has when he or she arrives at the foster home and all clothing purchased for the child while in the foster home remains the property of the foster child.

R 400.12319 Substitute care policy.

Rule 319. An agency's substitute care policy shall, at a minimum, contain provisions for all of the following:

- (a) Qualifications for substitute caregivers, consistent with the requirements of 1973 PA 116 and child care licensing rules.
- (b) Conditions under which substitute care may be utilized.

- (c) Any planned substitute care shall be consistent with the child's treatment plan.
- (d) Notification of the agency, by the foster parent, before the beginning of any planned overnight substitute care.
- (e) Notification of the agency, by the foster parent, within 24 hours of any unplanned absence which requires substitute care for a period of 24 hours or more.
- (f) A foster parent must notify any substitute care provider of the agency's policies relating to care and supervision and the care provider must follow the policies.

R 400.12320 Supervision.

Rule 320. An agency's supervision policy shall, at a minimum, state that a foster parent shall provide appropriate care and supervision for the foster child at all times consistent with a child's age, level of functioning, and treatment plan.

R 400.12321 Hazardous materials policy.

Rule 321. An agency's hazardous materials policy shall, at a minimum, contain both of the following provisions:

- (1) Dangerous and hazardous materials, objects, weapons, chemicals, medication, or equipment that may present a risk to children placed in the foster home shall be stored securely and out of the reach of children, as appropriate for the age and functioning level of the children.
- (2) Proper handling of firearms includes the following:
  - (a) Storage in a locked metal or solid wood gun safe, or trigger-locked and without ammunition in a locked area.
  - (b) Storage of ammunition in a separate locked location.
  - (c) Registration of a handgun. Documentation of the registration of the handgun shall be available for review.

R 400.12322 Unusual incident policy.

Rule 322. (1) An agency's unusual incident policy shall, at a minimum, include immediate notification to the agency by the foster parent of either of the following incidents:

- (a) When a foster child is missing from a foster home.
  - (b) Attempted removal or removal of a foster child from the foster home by any person who is not authorized by the agency.
- (2) An agency's unusual incident policy shall, at a minimum, include notification to the agency by the foster parent of any of the following incidents within 24 hours of knowledge of the incident:
- (a) A foster child's involvement with law enforcement authorities.
  - (b) Any illness or injury that requires hospitalization or emergency medical care of a foster child.
  - (c) Pregnancy of a foster child.
  - (d) Incidences of child-on-child abuse.
  - (e) Involvement with law enforcement by anyone in the home pursuant to a criminal investigation.

R 400.12323 Emergency policy.

Rule 323. (1) An agency's emergency policy shall, at a minimum, contain provisions for ensuring that a foster parent has agency-approved written procedures for each of the following emergencies:

- (a) Fire.
- (b) Tornado.
- (c) Serious accident or injury.

(2) An agency shall approve the written evacuation plan for a foster home that provides care for a person who requires assistance to evacuate the home.

R 400.12324 Reevaluation.

Rule 324. (1) An agency shall conduct an annual on-site visit and complete a written reevaluation of a foster home.

(2) The annual reevaluation shall include a determination and assessment of all of the following:

(a) All changes to the factual information contained in the initial evaluation and subsequent renewal evaluations.

(b) Family functioning and interrelationships as determined by observation of, and interviews with, each member of the household and each social service worker who has had children placed in the home during the last licensing period.

(c) Training needs of the family.

(d) Compliance with the licensing rules for foster homes.

(e) Compliance with the agency's written policies and procedures.

(3) An agency shall record the dates and places of contacts and persons interviewed or observed as part of a reevaluation.

(4) An agency shall document placement specifications consistent with the information contained in the reevaluation. The placement specifications shall include all of the following:

(a) Age,

(b) Gender,

(c) Race,

(d) Number of children preferred by the family,

(e) Characteristics of children best served by the home,

(f) Children who may not be placed in the home. The child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.

(5) An agency shall inform the foster parent of and discuss the agency's policy and procedures regarding concurrent planning.

(6) An agency shall complete a licensing record clearance request form on each adult non-licensee member of the household, including foster youth who turn 18 years of age, prior to each renewal and shall assess the results of the record check.

(7) An agency shall notify the foster parent that a copy of the reevaluation is available upon request.

(8) An agency shall complete a reevaluation and shall make a licensing recommendation to the department at least 15 calendar days before the expiration date of the foster home license.

R 400.12325 License recommendation.

Rule 325. (1) An agency shall recommend to the department the appropriate licensing action consistent with facts contained in the foster home evaluation and any special evaluations.

(2) An agency shall document foster home license changes in the foster home record and shall communicate the changes immediately to the department in the manner prescribed by the department.

(3) Except for an original license, an agency shall recommend to the department the issuance of a regular license or the continuation of an active license only when all rules are in compliance or both of the following conditions exist:

(a) All non-compliances relating to the recommendation are correctable.

(b) A written corrective action plan has been developed. The plan shall be in compliance with all of the following requirements:

(i) Specify the methods, the persons responsible, the time frames for correction; methods for ensuring the safety of any children placed in the home; how continuing compliance will be maintained once compliance is achieved; consequences if the corrective action plan is not completed; and what documentation will be required to demonstrate compliance or completion.

(ii) Require that the corrective action be completed within six (6) months of being signed.

(iii) Be signed and dated by the foster parent and the agency.

(4) Except for an original license, an agency shall recommend to the department the issuance of a provisional license only when both of the following conditions exist:

(a) The agency complies with subrule (3)(a) and (b) of this rule.

(b) The foster parent has been informed, in writing, of the facts and the basis for the provisional license.

(5) An agency shall recommend to the department the denial of license issuance, the revocation of a license, or the refusal to renew a license only when both of the following conditions exist:

(a) The applicant or the foster parent falsifies information or, the applicant or the foster parent willfully and substantially violates the act, 1 or more of the licensing rules for foster homes, or the terms of the license,

(b) The applicant or the foster parent has been informed, in writing, of the facts and the basis for the recommended action.

(6) An agency shall provide the department with all documentation that details the basis for the agency's recommendation or any requested documentation for a department licensing action.

(7) An agency shall participate in, and present facts at, a foster home licensing administrative hearing to support an agency recommendation or a department licensing action.

#### R 400.12326 Borrowed home.

Rule 326. (1) Before placing a child in a foster home certified by another agency or tribe, the agency shall have a record containing all of the following documents:

(a) Prior approval from the certifying agency authorizing the placement of a child in the home.

(b) Documentation that the foster parent is willing to accept the foster child.

(c) A copy of the initial evaluation with written endorsement by the borrowing agency that the evaluation is acceptable.

(d) A copy of the current reevaluation with written endorsement by the borrowing agency that the evaluation is acceptable.

(e) A list of all children currently placed in the home.

(f) Documentation that the foster parent has received orientation to the policies of the borrowing agency.

(g) A copy of the foster parent /agency agreement signed by the foster parent and the borrowing agency.

(h) A copy of the current children's foster home license application and children's foster home licensing transaction record documents from the certifying agency.

(i) A copy of all special evaluations completed during the last 2 years.

(2) The borrowing agency is responsible for securing the items identified in subrules (1) (d), (e), (g), (h), and (i) of this rule annually for the duration of the child's placement.

(3) The certifying agency is responsible for certification functions, including special evaluations, and shall share all information regarding changes in the home with all agencies that have children in placement in the home.

#### R 400.12327 Special evaluation.

Rule 327. (1) An agency shall do all of the following when anyone in the agency receives information that relates to possible noncompliance with any foster home rule:

(a) Submit a special investigation record to the department's licensing authority within 5 working days in the manner prescribed by the department.

(b) Initiate a special evaluation of the foster home as soon as is indicated, based on the information received, but not later than 7 calendar days after receipt of the information.

(c) Conduct a thorough investigation including all necessary collateral contacts.

(d) Notify all social service workers who have children placed in the home that a special evaluation has been initiated.

(2) An agency shall inform foster parents of all of the following before they are questioned or interviewed regarding a special evaluation:

(a) That a special evaluation has been initiated.

(b) A clear description of the allegations.

(c) That the foster parents may involve a person of their choice in any interviews with them involving the special evaluation if the involvement does not impede the timely completion of the evaluation.

(3) An agency shall complete a special evaluation within 45 calendar days after receipt of the information. If additional time is required, then the agency shall inform the foster parent, in writing, of the basis for the extension and the expected length of the extension. The total time for the completion of the investigation shall not exceed 90 calendar days without written approval from the chief administrator or his or her designee.

(4) Before completion of the written report required by subrule (6) of this rule, an agency shall provide the foster parent with a verbal summary of the preliminary findings at the conclusion of the evaluation.

(5) Within 15 days of the conclusion of the evaluation, an agency shall complete a written report that includes all of the following information:

(a) The date the information was received.

(b) Identification of the information source, unless anonymous or confidential, as specified in the child protection law, 1975 PA 238, MCL 722.621 to 722.638.

(c) The allegations.

(d) Dates and places of contacts, names of persons interviewed, and names of the interviewers. If children are interviewed, their last names shall not be included in the report.

(e) Findings of fact, based upon the evaluation.

(f) Conclusions regarding licensing rules compliance or noncompliance based on the findings of fact.

(g) Any change in the agency's decision regarding the number, gender, age, race, ethnic background, and specific characteristics of children who may be placed that is based upon the documentation contained in the summary and conclusions of the report.

(h) Recommendations regarding licensing action and any required corrective action.

(6) An agency shall do all of the following:

(a) Provide the foster parent with a copy of the report required by subrule (5) of this rule within 10 calendar days of its completion.

(b) Inform the foster parent, in writing, that he or she has a right to have his or her written response included as an attachment to the report required by subrule (5) of this rule.

(c) Provide a copy of the report to any social services worker that has children placed in the home.

(7) If any violations are cited and there is a signed corrective action plan, all social service workers who have children placed in the home shall be notified there is a corrective action plan and what is required of the foster parent in that plan.

#### R 400.12328 Foster home record.

Rule 328. (1) An agency shall maintain a foster home record for each foster home.

(2) The record shall contain all of the following information:

- (a) All documents pertaining to certification of the home.
- (b) Any special evaluation reports.
- (c) Placement agreements between a foster parent and the agency.
- (d) A placement list of all children placed in the foster home, including all of the following information about each child:
  - (i) Name, age, gender, and race of the child.
  - (ii) Date of placement.
  - (iii) Date of, and reasons for, a child's removal from the foster home.
- (e) Any written response from a foster parent, as provided by R 400.12327(6)(b).
- (3) An agency shall make copies of a record available to the applicant or licensee upon request, except for the following items:
  - (a) Pending evaluation reports and documents.
  - (b) Records of privileged communication.
  - (c) Criminal records, police reports, child protective services information, and social security numbers from any source.
  - (4) An agency shall maintain records for not less than 7 years after closure.

#### PART 4. FOSTER CARE SERVICES

##### R 400.12403. Policy and procedures.

Rule 403. (1) An agency shall have and follow written policies and procedures for the foster care services provided.

- (2) The policies and procedures shall cover at least all of the following areas:
  - (a) Placement.
  - (b) Change of placement.
  - (c) Education.
  - (d) Clothing.
  - (e) Medical and dental care.
  - (f) Unusual incidents.
  - (g) Hazardous materials.
  - (h) Foster parent information.
  - (i) Service plans.
  - (j) Visitation.
  - (k) Foster care record.
- (3) An agency shall provide a copy of the policies and procedures to the foster parents of a home where the agency places a child.

##### R 400.12404. Placement.

Rule 404 (1) An agency shall only place a child with an adult who is legally related to the child, is a legal custodian, or in a licensed foster home, except as permitted in R 400.12709.

- (2) Initial consideration shall be given to placement with a relative and/or placing siblings together.
- (3) An agency's placement of a child in a foster home shall be consistent with the placement specifications for the home.
- (4) An agency shall consider all of the following factors in selecting an appropriate placement for a child:
  - (a) The permanency goal for the child.

- (b) The physical, emotional, and educational needs of the child.
- (c) Expressed preferences of the child.
- (d) The child and child's family's religious preference.
- (e) The continuity of relationships, including relationships with parents, siblings, relatives, foster parents, previous foster parents, and other persons significant to the child.
- (f) The availability of placement resources for the purpose of making a timely placement.
- (5) The child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.
- (6) Before the placement of a child, the agency shall document preparation, regardless of the child's age, that explains all of the following to all relevant parties:
  - (a) The circumstances necessitating placement.
  - (b) The child's individual needs.
  - (c) Any special problems presented.
- (7) An agency shall document, in the child's record, within 7 calendar days after placement, the information specified in R 400.12417(1) and all of the following information:
  - (a) All of the following child characteristics:
    - (i) Gender.
    - (ii) Race.
    - (iii) Height and weight.
    - (iv) Eye color and hair color.
    - (v) Identifying marks.
    - (vi) Religious preference.
    - (vii) School status, including grade, last school attended, and educational program.
  - (b) Name, known addresses and marital status of the child's parents or legal guardian, if any.
  - (c) Names, ages, and known addresses of any siblings.
  - (d) Known names, addresses, and dates of any previous out-of-home placements.
  - (e) The date that the agency received the child for placement.
  - (f) The child's legal status and the agency's legal right to provide care.
  - (g) Documentation of the child's placement preparation.
  - (h) A photograph of the child at the time of placement.
  - (i) Documentation that American Indian ancestry was assessed.

**R 400.12405 Change of placement.**

- Rule 405. (1) An agency shall make every reasonable effort to maintain a stable placement for each child placed in foster care. The efforts shall be documented in the child's record.
- (2) An agency shall give first consideration to returning the child to a parent.
  - (3) The agency shall document all of the following in the child's record before a change of placement occurs:
    - (a) Reason for the change in placement.
    - (b) If the child is not returned to the parent, then the reason why return is not possible.
    - (c) If the child is not reunited with siblings or placed with a relative, then the reason why those placements are not possible.
    - (d) Consideration of the factors identified in R 400.12404(4).
    - (e) Replacement preparation, regardless of the child's age, appropriate to the child's capacity to understand, which includes an explanation to all relevant parties as to why the change is necessary.
    - (f) Notification to the parents, referral source, lawyer guardian ad litem, and courts when applicable, of the change in placement.



(g) Information about the child was shared with the new placement, consistent with the requirements of R 400.12417.

(h) The child's new location and address.

(i) That the current foster parent was notified in writing of the following information:

(i) Not less than 14 calendar days in advance, of the change, except when prior notification would jeopardize the child's care or safety. If prior notice is not provided, then the agency shall notify the foster parent, at the time of the change, why prior notice was not given.

(ii) Of the current foster parent's rights concerning the change in placement.

(j) Supervisory approval before the change.

(4) If an emergency change in placement is necessary, then all of the documentation required in subrules (2) and (3) of this rule shall be in the child's record within 14 calendar days after the change in placement.

(5) If an agency is no longer providing services to the child in a foster home, then both of the following shall be documented before a change in placement:

(a) A summary of the services provided during care up to the time of the change in placement and the needs that remain to be met.

(b) Provision for any continuing services.

R 400.12406 Rescinded.

R 400.12407 Rescinded.

R 400.12408 Rescinded.

R 400.12409 Education.

Rule 409. An agency's education policy shall ensure that, within 5 school days of placement, an agency shall provide for the enrollment of each child of school age, as defined by state law, into a school program.

R 400.12410 Rescinded.

R 400.12412 Rescinded.

R 400.12413 Medical and dental care policy.

Rule 413. (1) An agency's medical and dental care policy shall, at a minimum, include all of the following:

(a) The provision of routine medical care.

(b) The provision of emergency medical, surgical, and dental care.

(c) A physical examination for each child as follows, unless a greater frequency is medically indicated:

(i) For a child under 2 years of age, a physical examination shall have been completed within 3 months before being placed in foster care or a new physical examination shall be completed within 30 calendar days after being placed in foster care.

(ii) For a child 2 years of age or older, a physical examination shall have been completed within 12 months before placement or a new physical examination shall be completed within 30 calendar days after placement.

(iii) A physical examination every 14 months.

(d) Current immunizations for each child as required by section 5111 of 1978 PA 368, MCL 333.5111. All of the following apply:

(i) A statement from a parent or licensed medical authority which indicates that immunizations are current or contraindicated is sufficient documentation of immunizations.

(ii) A copy of a waiver addressed to the department of community health signed by the parent stating immunizations are not being administered due to religious, medical, or other reasons is sufficient documentation of immunizations.

(iii) If documentation of immunization or a copy of the waiver is unavailable, then immunizations shall begin within 30 calendar days of placement.

(e) The provision of any dental treatment necessary for a child who is less than 4 years of age.

(f) The provision of a dental examination and any treatment required for each child who is 4 years of age and older, including both of the following:

(i) A dental examination within 12 months before placement or a new dental examination shall be completed not more than 90 calendar days after placement.

(ii) A dental reexamination shall be obtained at least every 18 months, unless a greater frequency is indicated.

(2) An agency shall have documentation from the medical or dental provider of all medical and dental care received by a foster child.

R 400.12414 Rescinded.

R 400.12415 Incident reporting policy.

Rule 415. (1) An agency's incident reporting policy shall, at a minimum, include the following:

(a) Immediate notification to the foster child's parents, the responsible agency, and guardian ad litem as applicable, if either of the following occurs:

(i) When a foster child is missing from a foster home.

(ii) Attempted removal or removal of a foster child from the foster home by any person who is not authorized by the agency.

(b) Notification of the foster child's parents, the responsible agency, and guardian ad litem as applicable within 24 hours of knowledge of the following:

(i) Any illness or injury that requires hospitalization of emergency medical care of a foster child.

(ii) A foster child's involvement with law enforcement authorities.

(iii) Pregnancy of a foster child.

(iv) Incidences of a foster child being abused.

(2) The policy shall require that the agency immediately notifies all of the following entities of the death of a foster child:

(a) The child's parents.

(b) The referring agency.

(c) The department licensing authority.

(d) The lawyer guardian ad litem and court, as applicable.

R 400.12416 Rescinded.

R 400.12417 Foster parent information.

Rule 417. (1) An agency shall provide a foster parent with all of the following information before the placement or replacement of a child:

(a) Child's name.

- (b) Child's date of birth.
  - (c) Available known information about the child's health.
  - (d) Any known history of abuse or neglect of the child.
  - (e) All known emotional and psychological factors relating to the care of the child.
  - (f) All known behaviors of the child.
  - (g) Circumstances necessitating placement or replacement of the child.
  - (h) Any other known information to enable the foster parent to provide a stable, safe, and healthy environment for the foster child and the foster family, including information about siblings who do not reside in the foster home.
  - (i) Name of assigned social service worker.
  - (j) Authorization to provide routine and emergency medical care.
- (2) For an emergency placement, if any of the information specified in subrule (1)(a) to (h) of this rule is not available at the time of placement, then the agency shall provide information to the foster parent within 7 calendar days of the placement.
- (3) After the child is placed, and on an ongoing basis, the agency shall notify the foster parent of any known information that will enable the foster parent to provide a stable, safe, and healthy environment for the foster child and the foster family, including information about siblings who do not reside in the foster home.

#### R 400.12418 Development of service plans.

Rule 418. (1) An agency shall develop service plans with the child, the child's parents or legal guardian, the referring agency, and other parties involved in providing needed services, or medical care, unless the agency documents why any of the entities have not been involved.

- (2) An agency shall complete written service plans for each child and parent or parents, as follows:
- (a) Within 30 calendar days from removal from the home.
  - (b) Within 120 calendar days after the initial removal and at least once every 90 calendar days thereafter.
- (3) When case responsibility changes from 1 child placing agency to another child placing agency, a modified service plan must be completed within 30 calendar days of the change in agency responsibility if no other plan is done within 30 days. The plan shall address why the agency responsibility changed and whether there are any modifications to existing service plans.
- (4) An agency shall place service plans in the case record, give a copy to and review the plans with foster parents. The agency shall inform the foster parent that the information in the plan and any other information about the child and the child's family is confidential.
- (5) An agency shall involve the foster parents in the development of service plans to enable the foster parents to understand the plan for the child and the foster parent's role in assisting the agency in carrying out the plan.
- (6) Service plans shall be signed by the social services worker and the social services supervisor.

#### R 400.12419 Initial service plans.

Rule 419. (1) The initial service plan, as required in R 400.12418(2)(a), shall include all of the following information:

- (a) Dates, types, and places of agency contacts and persons contacted.
- (b) Circumstances necessitating placement.
- (c) Assessment of the placement selection criteria as required under R 400.12404(4).

(d) A social history pertinent to the circumstances necessitating placement that assesses the child and all persons in the child's family to determine the services best suited to meet the child's needs.

(e) A plan that has as its goal reunification of the child with his or her family or another goal of permanent placement. The plan shall include all of the following information:

(i) The permanency goal for the child.

(ii) The conditions necessary to achieve the permanency goal identified in paragraph (i) of this subdivision.

(iii) Action steps and time frames to achieve the necessary conditions identified in paragraph (ii) of this subdivision.

(iv) The persons responsible for implementing the action steps identified in paragraph (iii) of this subdivision.

(v) Projected length of placement in foster care.

(f) Specific goals, as appropriate, to meet the child's needs in the following areas:

(i) Education

(ii) Health

(iii) Vocational training

(iv) Psychological, psychiatric, and mental health services

(g) Plans for visits between the child, siblings, the child's family, and any other person.

(h) The child management plan to be used by the foster parent.

(2) If parental rights have not been terminated, the service plan shall include all of the following:

(a) An assessment of the parents' needs as they relate to the care of the child.

(b) The parents' role while the child is in placement, including parenting time.

(c) The requirements to be met for the return of the child.

(d) The time frames for meeting the stated requirements.

(e) Documentation of how the parents were informed of their rights and responsibilities in the care of their child.

#### R 400.12420 Updated service plans.

Rule 420. (1) An updated service plan, as required in R 400.12418(2)(b), shall include all of the following information:

(a) Dates, types, and places of agency contacts and persons contacted.

(b) Confirmation that the child's current foster home continues to appropriately meet the placement needs of the child.

(c) A summary of information pertinent to the updated services plan received since the last service plan from the child, the child's parents or legal guardian, foster parents, referring agency, and others, unless the agency documents why any of these entities cannot be involved.

(d) Assessment of progress in achieving the permanency goal for the child.

(e) A plan which includes any changes made since the previous plan and which has the content specified in R 400.12419.

(f) Plans for visits between the child, siblings, the child's family, and any other person.

(g) A child management plan which includes any changes made since the previous plan and which is to be used by the foster parents.

#### R 400.12421 Visitation and parenting time.

Rule 421. An agency shall have a policy regarding visitation and parenting time that contains, at a minimum, all of the following:

(a) A plan of visitation for each child in foster care consistent with the child's service plans, as required by R 400.12419 and R 400.12420 to assure the safety and well being of the child.

(b) An agency social service worker shall visit the foster child and the foster parent in the foster parent's home at least once every month.

(c) Provisions for visits between parents and children except where parental rights have been terminated or when there is a court determination that visits are detrimental to the child.

(d) Provisions for visits between siblings who are not placed together except when there is a court determination that visits are detrimental to either child.

#### R 400.12422 Foster care record.

Rule 422. (1) An agency shall maintain a record for each child in its foster care program.

(2) An agency shall protect each record against destruction and damage and shall store and maintain each child's record in a manner to assure confidentiality and to prevent unauthorized access.

(3) The record shall contain all of the following information:

(a) Initial service plan.

(b) Any required updated service plans.

(c) Medical and dental records.

(d) Placement documentation as required by R 400.12404.

(e) Change of placement documentation as required by R 400.12405.

(f) Plan of visitation and parenting time as required by R 400.12421.

(g) A photograph taken at least annually.

(4) An agency shall maintain the record for not less than 7 years after the agency's termination of services to the child.

(5) If an agency ceases operating as a child placing agency, the records shall be returned to the child's referring agency.

## PART 5. INDEPENDENT LIVING SERVICES

#### R 400.12502 Program statement.

Rule 502. (1) An agency shall have and follow a current written program statement that includes all of the following information:

(a) Types of living arrangements approved.

(b) Eligibility requirements for a youth, including age and level of physical, emotional, and intellectual functioning and youth not appropriate for the program.

(c) Services provided.

(d) Means of financial support for the youth.

(e) Supervision.

(f) Educational and vocational or work requirements.

(g) Medical and dental care.

(h) Basis for termination.

(2) An agency shall give a copy of the program statement to a youth before placement in independent living.

#### R 400.12503 Policy and procedures.

Rule 503. (1) An agency shall have and follow written policies and procedures for the independent living services provided.

(2) The policies and procedures shall cover at least all of the following areas:

- (a) Eligibility requirements for youth to participate in the program.
- (b) Types of living arrangements provided or approved.
- (c) Contract between youth and agency.
- (d) Service plans.
- (e) Supervision provided by the agency.
- (f) Amount of financial support and how it is disbursed.
- (g) Education/vocational training/employment.
- (h) Medical, dental, and mental health care.
- (i) Independent living record.
- (j) Termination.

(3) An agency shall provide a youth in independent living with a copy of the agency's policies and procedures required by this rule.

#### R 400.12504 Eligibility requirements.

Rule 504. (1) An agency shall document the rationale for selection of independent living as the most appropriate placement for the youth.

(2) All of the following shall be in the case record before a youth is placed in independent living:

- (a) How the youth meets the eligibility requirements for the specific program the youth is being placed into.
- (b) The basis for concluding that a youth exhibits self-care potential.
- (c) That the youth's social service worker has personally observed and determined that the living situation is safe and that the youth has a bed and has access to cooking and bathing facilities.
- (d) The availability of specific and relevant resources that provide for suitable social, physical, educational, vocational, and emotional needs of a youth.
- (e) An evaluation of a youth's need for supervision and a plan for providing the level of supervision determined necessary.
- (f) Proof that financial support to meet the youth's housing, clothing, food, and miscellaneous expenses is available.

#### R 400.12505 Supervision.

Rule 505. (1) An agency shall provide supervision for a youth in independent living consistent with the youth's need for supervision, as required by R 400.12504(2)(e).

(2) An agency shall provide the following minimum supervision:

- (a) Face-to-face contact between the social service worker and the youth in independent living at least once each month at a youth's place of residence.
- (b) At monthly intervals, ensure that the youth is complying with the terms of the contract required by R 400.125010, continues to reside in a safe and acceptable environment, and is managing expenditures.
- (c) Provide the youth with a telephone number to contact the agency on a 24-hour, 7-days-a-week basis.

#### R 400.12506 Education/vocational training/employment.

Rule 506. An agency shall ensure that a youth in independent living is employed full-time, actively involved in job training or continuing education, or a combination of employment and education.

#### R 400.12507 Medical/dental and mental health care.

Rule 507. (1) An agency shall ensure that a youth in independent living receives any needed medical, dental, and mental health care as required in R 400.12413. Medical, dental, and mental health care provided shall be documented in the youth's record.

(2) For a youth who become 18 years of age while in the program or who enters independent living after the age of 18, the agency shall provide information on how to access needed medical, dental, and mental health services and shall actively, and on an ongoing basis, encourage participation in needed medical, dental, and mental health services.

R 400.12508 Rescinded.

R 400.12509 Independent living record.

Rule 509. (1) An agency shall maintain a case record for each youth placed in independent living.

(2) An agency shall protect each record against destruction and damage and shall store and maintain each child's record in a manner to assure confidentiality and to prevent unauthorized access.

(3) The case record shall contain all of the following information and documentation, which shall be recorded within 30 calendar days after placement in independent living and updated at least once every 90 calendar days:

(a) All of the following personal information pertaining to the youth:

(i) Name.

(ii) Social security number.

(iii) Address and telephone number.

(iv) Date of birth.

(v) Gender

(vi) Race.

(vii) Height.

(viii) Weight.

(ix) Hair color.

(x) Eye color.

(xi) Identifying marks.

(xii) A photograph updated on an annual basis.

(b) Documentation of the agency's legal right to place a youth.

(c) The names, addresses, dates of birth, and social security numbers of the youth's parents, if any.

(d) The names, dates of birth, and addresses of the youth's siblings, if applicable.

(e) The names and addresses of any offspring.

(f) The names and addresses of any other significant persons.

(g) Current documentation of financial support sufficient to meet the youth's housing, clothing, food, and miscellaneous expenses.

(h) The date, location, documented purpose, and a summary of the findings of each contact between the youth and the social service worker.

(i) Current adjustment.

(j) The youth's relationship with family members and agency efforts to resolve family conflicts.

(k) Medical and dental records.

(l) Birth certificate

(m) Placement documentation as required by R 400.12404.

(n) Change of placement documentation as required by R 400.12405.

(o) Service plans as required in R 400.12419 and R 400.12420. If the youth has biological children, the service plan must address the living arrangement for the child or children, visitation/parenting time with the youth's biological children or a clear explanation why this is not possible or appropriate.

(4) An agency shall maintain the record for not less than 7 years after the agency's termination of services to the youth.

#### R 400.12510 Independent living contract.

Rule 510. (1) There shall be a mutually agreed upon contract between the youth and the agency specifying all of the following:

- (a) The responsibilities of the agency and the youth.
- (b) A plan for education or work.
- (c) An agreement for the youth to meet with the worker at least one time per calendar month.
- (d) The location where the youth is living.

(2) The agreement shall be signed and dated by the youth and the social service worker. The contract shall be reviewed and updated at least once every 90 calendar days and a copy provided to the youth.

#### R 400.12511 Termination.

Rule 511. (1) When an agency terminates its independent living services for a youth, the agency shall document all of the following information in the case record within 30 calendar days of termination of its services:

- (a) The reason for the termination.
- (b) The youth's new location.
- (c) A summary of the services provided during care and the needs that remain to be met.
- (d) Provision for any follow-up services.

(2) An agency shall ensure and document that each youth who ends independent living is provided with all of the following:

- (a) Basic information about health, housing, counseling/mental health services, and emergency resources.
- (b) A birth certificate.
- (c) A social security card.
- (d) The youth's funds and personal property.

### Part 6 Adoption Evaluation Services

#### R 400.12602 Program statement.

Rule 602. (1) An agency shall have and follow a current written program statement.

(2) The statement shall include all of the following information:

- (a) Services and functions provided directly or indirectly.
- (b) Geographical area covered.
- (c) Eligibility requirements for adoptive parents.
- (d) A clear delineation of fees, charges, or other consideration or thing of value for adoption services that includes specific charges for expenses and services, within and outside the agency, and differentiates between the charges that are refundable and the charges that are not refundable.
- (e) Training requirements.

(3) An agency shall document that the statement was provided to all persons making inquiry about the agency's services.



R 400.12603 Policy and procedures.

Rule 603. (1) An agency shall have and follow written policies and procedures for the adoption services provided.

(2) The policies and procedures shall cover at least all of the following areas:

- (a) Orientation.
- (b) Training requirements.
- (c) Adoptive evaluation.
- (d) Agency recommendation.
- (e) Adoption evaluation record.
- (f) Grievance policy as required by R 400.12210.

(3) An agency shall document that the policies and procedures were provided to all persons making inquiry about the agency's services.

R 400.12604 Orientation and application.

Rule 604. (1) An agency shall provide an orientation for prospective applicants for adoption before an adoptive application is provided. The orientation shall include a review of all of the following:

- (a) Program statement, policies, and procedures.
- (b) Needs and characteristics of children available for adoption.
- (c) Services and resources available.
- (d) Fees and charges.
- (e) Legal process.
- (f) Training requirements.
- (g) Post adoption service availability.

(2) An agency shall, upon request, provide an adoptive application to an interested family.

(3) An agency may consider an application withdrawn after 90 days if the applicant fails to cooperate with the completion of the evaluation process.

R 400.12605 Adoptive family evaluation.

Rule 605. (1) An agency social service worker shall complete a written adoptive evaluation within 90 days of the family signing an adoption application and prior to approving a family for adoption.

(2) The report shall include the dates and places of contacts and persons interviewed or observed.

(3) The report shall be an assessment of all of the following:

(a) Visits at the residence of the applicants for adoption to conduct observations of, and interviews with, each member of the household to determine all of the following:

(i) Marital and family status and history, including current and past level of family functioning and relationships and any incidents of domestic violence.

(ii) Educational history and any special skills and interests.

(iii) Employment history, current financial status, including property and income, money management skills and outstanding financial obligations.

(iv) Physical, mental, and emotional health of each member of the household.

(v) Any history of substance abuse of each member of the household.

(vi) Parenting skills and attitudes toward children.

(vii) Methods of discipline of children.

(viii) Adjustment and special needs of the applicant's own children, including children not living in the home.

(ix) Strengths and weaknesses of each member of the household.

- (x) Experiences with own parents and any history of out-of-home care.
- (xi) Reasons for adopting.
- (xii) Previous licenses or experience in providing child foster care, child day care, or adult foster care.
- (xiii) Willingness to accept an adoptive child with the child's individual characteristics, needs, and background.
- (xiv) Willingness to parent cross-racially or cross-culturally and to create an atmosphere that fosters the racial identity and culture of an adopted child.
- (xv) Willingness and ability to understand an adopted child's attachment to the birth family and other significant relationships.
- (xvi) An understanding of and willingness to participate in concurrent planning.
- (xvii) Willingness and ability to give an adopted child guidance, love, and affection and accept the child as a member of the household.
- (xviii) Existence of social support system and alternate care providers.
- (b) Previous adoption evaluations or placements.
- (c) Previous criminal convictions, and substantiated child abuse or neglect investigations or concerns brought to the agency's or department's attention for any member of the household.
- (d) Three current references from persons not related to the applicants. There shall be an evaluation of any negative references.
- (e) A medical statement for each member of the household that indicates that the member has no known condition which would affect the care of an adoptive child. The statement shall be signed by a physician within the 12-month period before the adoptive evaluation.
- (f) Safety and maintenance of the applicant's house and—property, including but not limited to: sufficient beds and sleeping space, pets, guns and other weapons, and water hazards.
- (g) Assessment of the neighborhood, schools, community, and available resources for the purpose of adoption.
- (h) The plan for guardianship of the child or children in the event of the parent or parents' death or permanent disability preventing continuation of parental responsibility.
- (i) The family's plan to discuss adoption with any child adopted.
- (j) Training needs of the family.
- (k) The age, number, gender, race, ethnic background, and special characteristics of children preferred by the applicants.

R 400.12606 Training requirements.

Rule 606. An agency shall document that an applicant for adoption has, at a minimum, had training in all of the following areas:

- (a) Separation.
- (b) Attachment and bonding.
- (c) Child development, including safe sleep practices for children under 1 year of age.
- (d) Behavioral and emotional needs of adoptive children.
- (e) Impact of adoption on the family.
- (f) Post adoption service availability.

R 400.12607 Agency recommendation.

Rule 607. (1) An agency shall recommend the appropriate action consistent with the facts contained in the adoptive evaluation. An agency shall make a written recommendation based on the findings of the adoptive family evaluation.

- (2) The recommendation shall include all of the following:
  - (a) Be in writing.
  - (b) Contain approval or denial of the applicants for adoption by a social service supervisor.
  - (c) If approved, the number, gender, age, race, ethnic background, and special characteristics of adoptive children who may be placed in the adoptive applicants' home. A child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.
- (3) If an agency concludes that an individual is not approved, then the basis for the decision shall be specified in the recommendation.
- (4) An agency shall provide the applicants for adoption with a signed and dated copy of the evaluation and recommendation upon its completion.

R 400.12608 Adoptive family evaluation record.

Rule 608. (1) An agency shall retain a case record for each applicant for adoption.

- (2) The record shall contain all of the following:
  - (a) Orientation documentation as required by R 400.12604.
  - (b) Adoptive evaluation as required by R 400.12605.
  - (c) Record of training provided
  - (d) Documentation agency policies were provided to applicants
  - (e) All documents pertaining to adoption evaluation required by R 400.12605
  - (f) Agency recommendation as required by R 400.12606.
- (3) An agency shall retain each record for not less than 3 years after the agency's termination of services to the applicant.
- (4) If a branch or associate office of a child-placing agency ceases to operate, then the branch's or office's adoption records shall be forwarded to the central office of the branch or associate office.
- (5) If a child-placing agency ceases operation, the agency's adoption records shall be shredded or returned to the applicant if services to the applicant were terminated 3 or more years before the closure. Records shall be forwarded to the department's central office adoptions for all other records.

## PART 7. ADOPTION PLACEMENT SERVICES

R 400.12701 Department authorization.

Rule 701. An agency shall be authorized by the department to receive and place children for purposes of adoption.

R 400.12702 Program statement.

Rule 702. (1) An agency shall have and follow a current written program statement.

- (2) The statement shall include all of the following information:
  - (a) Types of adoptions provided by the agency, including whether the agency accepts children released under the safe delivery act, section 20 of 1939 PA 288, MCL 712.20.
  - (b) Procedures for selecting adoptive parents for a child, including the role of the child's parent or guardian in the selection process.
  - (c) The extent to which the agency permits or encourages exchange of identifying information or contact between biological and adoptive parents.

(d) A clear delineation of fees, charges, or other consideration or thing of value for adoption services. The delineation shall include specific charges for expenses and services, within and outside the agency, and shall differentiate between the charges that are refundable and the charges that are not refundable.

(e) Services and functions provided directly or indirectly, including ~~both of~~ the following:

(i) Counseling services and any other available services to a person who is releasing a child for adoption.

(ii) Counseling services and any other available services to a child being released for adoption based on the needs of the child.

(iii) Counseling services or post-finalization services provided to adoptive parents or to the adoptee.

(f) Geographical area covered.

(3) An agency shall document that the statement has been provided to all persons making inquiry to release a child for adoption and to prospective adoptive parents.

#### R 400.12703 Policy and procedures.

Rule 703. (1) An agency shall have and follow written policies and procedures for the adoption services provided.

(2) The policies and procedures shall cover all of the following areas:

(a) Safeguarding rights.

(b) Release.

(c) Recruitment.

(d) Orientation.

(e) Child evaluation.

(f) Placement selection.

(g) Adoptive parent information.

(h) Placement.

(i) Supervision.

(j) Adoption placement record.

#### R 400.12704 Safeguarding rights.

Rule 704. An agency shall prescribe safeguards relating to the needs and rights of all of the following entities:

(a) Birth parents who are considering release, or who have released, ~~of~~ a child for adoption.

(b) The child who becomes available for adoption.

(c) The adoptive parents who apply to adopt or adopt a child.

#### R 400.12705 Release.

Rule 705. (1) An agency social service worker shall document that information has been provided for birth parents before the birth parents release their rights to a child unless the child is relinquished under the safe delivery of newborns act, 1939 PA 288, MCL 712.1 to 712.20.

(2) The information shall include a review of all of the following:

(a) Program statement, policies, and procedures.

(b) Legal process for adoption.

(c) Services and resources available.

(d) Meaning and consequences of a release.

#### R 400.12706 Recruitment.

Rule 706. (1) An agency shall have an ongoing recruitment program to ensure an adequate number of suitable adoptive parents for the timely placement of all children serviced by the agency who are available for adoption.

(2) An agency shall recruit adoptive parents for children served by the agency considering all of the following criteria:

- (a) Ages and developmental needs of children.
- (b) Racial, ethnic and cultural identity of children.
- (c) Sibling relationships of children.
- (d) Special needs of children.

(3) There shall be a child specific recruitment plan for any child the agency is responsible for who is available for adoption and who does not have an identified family. The child specific plan shall be based on the child evaluation, as required by R 400.12708, and updated every 90 days.

#### R 400.12707 Orientation.

Rule 707. An agency shall document that an orientation for the adoptive parents has been provided, consistent with the requirements of R 400.12604, before they are determined suitable to parent an adopted child.

#### R 400.12708 Child evaluation.

Rule 708. (1) A social service worker shall complete a written assessment of each child available for adoption within 60 days of the child being referred for adoption. The assessment shall include all information available in the foster care file from the date the child entered care and shall meet all requirements of section 27 of 1939 PA 288, MCL 710.27.

(2) An agency shall have on file a written adoptive family evaluation and agency recommendation as required under R 400.12605 and R 400.12606 before approving the adoptive parents for each adoptive placement and before referring a child to, or placing a child in, the home for purposes of adoption.

#### R 400.12709 Placement selection.

Rule 709. (1) An agency shall document how all of the following factors were assessed in selecting appropriate adoptive parents:

- (a) The physical, emotional, medical, and educational needs of the child.
- (b) The child's needs for continued contact with the birth parent, siblings, relatives, foster parents, and other persons significant to the child.
- (c) The racial, ethnic, and cultural identity, heritage, and background. The child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.

(2) An agency shall place a child with agency-approved adoptive parents consistent with the needs of the child identified in subrule (1) of this rule, the child evaluation required by R 400.12708 and the agency's adoptive parent recommendation as required by R 400.12607.

(3) An agency shall require a social service supervisor or chief administrator if the placement is recommended by a social service supervisor, to approve or deny the recommendation for placement by the social service worker. The approval shall be documented in the record.

(4) An agency may approve overnight pre-placement visits to a family being considered for adoption of a child. Pre-placement visits may only occur under the following conditions:

- (a) If the placement selected is a licensed foster home, the certifying agency gives approval prior to any visits starting.
- (b) There is an approved child evaluation.

- (c) There is an approved family evaluation.
- (d) The child evaluation has been shared with the prospective adoptive family prior to any pre-placement visits occurring.
- (e) Planning for pre-placement visits is focused on the best interests of the child.
- (f) There is a written plan for transitioning the child from the foster home to the adoptive home.
- (g) Unless there are exceptional circumstances, that the transition period will not exceed 3 calendar months. A transitional period of more than 3 calendar months shall be approved in writing by the MCI superintendent or the court with jurisdiction over the child.
- (h) Overnight visitation is done in compliance with section 1 of 1973 PA 116, MCL 722.111(i).
- (5) A public or private agency may place a child in an unlicensed home for the purposes of adoption if all of the following conditions have been met:
  - (a) The adoptive parents have received orientation in accordance with the requirements of R 400.12604 and R 400.12707.
  - (b) The evaluation of the prospective adoptive parents has been completed in accordance with the requirements of R 400.12605 and the placement is consistent with the recommendation completed in accordance with R 400.12607.
  - (c) Supervisory approval of the placement has been documented in accordance with the requirements of subrule (3) of this rule.
  - (d) The adoptive petition has been filed with the court or consent to adopt has been granted by the authorized agency representative.
- (6) The provisions of this rule do not prohibit a temporary placement made under section 23d of 1939 PA 288, MCL 710.23d.

R 400.12710 Adoptive parent information.

Rule 710. (1) An agency shall provide adoptive parents with all of the following information before the placement of a child:

- (a) Child's name.
  - (b) Date, time, and place of birth including hospital, city, state, and country.
  - (c) Medical, social, and educational history of the child.
  - (d) Child's racial, ethnic, and religious background.
  - (e) Description of the child's family of origin, including age and ~~sex~~ gender of family members, relationship to the child, and medical, social, and educational history of each member of the family.
  - (f) Circumstances necessitating placement of the child.
  - (g) Child's preparation for placement and attitude toward the adoption.
  - (h) Placement history.
  - (i) Any other known information to enable the adoptive parent to provide a stable, safe, and healthy environment for the child.
- (2) An agency shall provide adoptive parents with any additional information that becomes available to the agency after the placement of the adoptive child.

R 400.12711 Placement.

Rule 711. An agency shall document how the following factors were assessed in selecting appropriate adoptive parents for a child:

- (1) The physical, emotional, medical, and educational needs of the child.
- (2) The child's needs for continued contact with the birth parent, siblings, relatives, foster parents, and other persons significant to the child.

(3) The racial, ethnic, and cultural identity, heritage, and background. The child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.

R 400.12712 Supervision.

Rule 712. (1) An agency shall provide post-placement supervisory visits for the adoptive family at the adoptive parent's home as needed to assure the safety and well being of the child, but not less than once every month, after the placement of a child and until the final order of adoption.

(2) An agency shall assess and record the child's and adoptive family's adjustment and, where needed, include plans to assist the child or adoptive family.

(3) An agency shall keep the adoptive parents informed of the results of the agency's continuing assessment of the placement at the conclusion of each visit.

R 400.12713 Adoption placement record.

Rule 713. (1) An agency shall permanently retain a case record for each adoptive child after adoptive placement except as identified in subrule 5 of this rule.

(2) The record shall contain all of the following:

(a) Orientation documentation as required by R 400.12707.

(b) Evaluation documentation as required by R 400.12708.

(c) Placement documentation as required by R 400.12709.

(d) Supervision documentation as required by R 400.12711.

(3) If a branch or associate office of a child-placing agency ceases to operate, then the agency shall forward the branch's or office's adoption records to the central office of the branch or associate office.

(4) If a child-placing agency ceases to operate, then the agency shall forward its records to the Michigan department of human services.

(5) The Michigan department of human services must permanently retain all adoption records for children adopted from Michigan's child welfare system. The adoption agency must forward any adoption records for children adopted from the Michigan child welfare system to the department one year after finalization of the adoption. The adoption agency may not retain the original copies or any other copies of the adoption records.

## PART 8 INTER-COUNTRY ADOPTION

R 400.12801 Department authorization.

Rule 801. (1) An agency shall be authorized by the department to evaluate applicants for inter-country adoption.

(2) An agency shall be authorized by the department to assist with the adoption or placement of a child coming to the United States for the purpose of being adopted.

R 400.12802 Program statement.

Rule 802. An agency shall have and follow a current written program statement that includes all of the following information:

(1) Placement programs, by country.

(2) Eligibility requirements for adoptive parents established by the agency and the specific countries.

(3) Services available, either directly or indirectly, both before adoption and after adoption.

- (4) Procedures for completing adoptive evaluations.
- (5) A clear delineation of fees, charges, or other consideration or thing of value for adoption services. Differences in fees for different countries shall be clearly stated.
- (6) If the agency has written contracts or agreements with individuals in the foreign country or entity, the responsibilities of the agency and the responsibilities of the contractor shall be clearly identified.
- (7) The regulations issued by the United States federal government regarding the procedures for United States citizens adopting from a particular country or entity and the regulations issued by that country or entity for adoptions by foreigners shall be kept on file at the agency.
- (8) If an agreement exists between a foreign government or entity and an agency, an English language translation of verified written agreements with the foreign government shall be on file at the agency and available for review. The agreement shall conform to the laws and regulations of the United States, this state, and the foreign country.
- (9) An agency shall provide the statement to all persons making inquiry about the agency's services at the time of inquiry.

R 400.12803 Policies and procedures.

- Rule 803. (1) The agency shall have and follow written policies and procedures for inter-country adoption services.
- (2) The policies and procedures shall cover at least the following areas:
- (a) Orientation, as required in R 400.12604.
  - (b) Adoptive evaluation, as required in R 400.12605.
  - (c) Fees.
  - (d) Placement.
  - (e) Supervision.
  - (f) Adoption record.

R 400.12804 Adoptive family evaluation.

- Rule 804. (1) If an agency assists a family with an evaluation prepared specifically for the adoption of a child coming to the United States for the purpose of being adopted, then the agency shall complete adoptive evaluations as required in R 400.12604.
- (2) Adoptive family evaluations accepted from other states or agencies in this state shall have been completed by an agency or social worker licensed to complete adoption home studies in the state where the evaluation was completed.

R 400.12805 Fees.

Rule 805. An agency shall have a specific fee policy that covers the following:

- (1) That all fees are to be covered in a written agreement with applicants.
- (2) What specific services are covered by the fees.
- (3) Whether fees can change during an agreement.
- (4) Fees associated with modifying the agreement.
- (5) Specific fees for each country.
- (5) Fees associated with changing countries.
- (6) What fees can be transferred during the agreement.
- (7) What fees are refundable and at what points in time.
- (8) How fees are to be paid to individuals in other countries.
- (9) Which fees are to be paid to individuals in other countries.



R 400.12806 Placement.

Rule 806 (1) An agency shall require a social service supervisor or chief administrator, if the placement is recommended by a social service supervisor, to approve or deny the recommendation for placement. The decision shall be documented in the record.

(2) An adoptive family evaluation completed by a different agency or licensed social worker, where legal, must be endorsed by the agency arranging the placement.

R 400.12807 Supervision.

(1) An agency shall provide post-placement supervision for the adoptive family at the adoptive parent's home as needed, but not less than once every month after the placement of a child and until the final order of adoption, or as required by the country where the adoption originated.

(2) An agency shall assess and record the child's and adoptive family's adjustment and, where needed, shall include plans to assist the child or adoptive family.

(3) An agency shall keep the adoptive parents informed of the results of the agency's continuing assessment of the placement at the conclusion of each visit.

R 400.12808 Inter-country adoption record.

Rule 807. (1) An agency shall permanently retain a case record for each adoptive child after adoptive placement.

(2) The child record shall contain all of the following:

(a) Orientation documentation as required by R 400.12707.

(b) Evaluation documentation as required by R 400.12708.

(c) Placement documentation as required by R 400.12709.

(d) Supervision documentation as required by R 400.12711.

(3) An agency shall retain a case record for each applicant family for adoption.

(4) The applicant family record shall contain all of the following:

(a) Orientation documentation as required by R 400.12604.

(b) Adoptive family evaluation as required by R 400.12605.

(c) Record of training provided.

(d) Documentation of agency policies that were provided to applicants.

(e) All documents pertaining to adoption evaluation required by R 400.12605.

(f) Agency recommendation as required by R 400.12606.

(5) An agency shall retain each applicant family record for not less than 3 years after the agency's termination of services to the applicant family.

(6) If a branch or associate office of a child-placing agency ceases to operate, then the agency shall forward the branch's or office's adoption records to the central office of the branch or associate office.

(7) If a child-placing agency ceases to operate, then the agency shall forward its child records to the Michigan department of human services.

(8) If a child-placing agency ceases operation, the agency's adoptive applicant family records shall be shredded or returned to the applicant family if services to the applicant family were terminated 3 or more years before the closure. Records shall be forwarded to the department of human services central office adoptions for all other records.

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**ADMINISTRATIVE RULES**

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MICHIGAN DEPARTMENT OF HUMAN SERVICES

DIVISION OF CHILD WELFARE LICENSING

FOSTER FAMILY HOMES  
AND  
FOSTER FAMILY GROUP HOMES

Filed with the Secretary of State on December 4, 2014

These rules take effect 30 days after filing with the Secretary of State.

(By authority conferred on the director of the Michigan Department of Human Services by sections 2, 5, 10, and 14 of 1973 PA 116, and the Executive Reorganization Orders No. 1996-1, No. 1996-2, 2003-1 and 2004-4, MCL 722.112, 722.115, 722.120, 722.124, 330.3101, 445.2001, 445.2011 and 400.226 of the Michigan Compiled Laws)

R 400.9101, R 400.9201, R 400.9202, R 400.9203, R 400.9205, R 400.9206, R 400.9207, R 400.9301, R 400.9306, R 400.9308, R 400.9309, R 400.9401, R 400.9403, R 400.9404, R 400.9406, R 400.9408, R 400.9409, R 400.9410, R 400.9411, R 400.9412, R 400.9413, R 400.9414, R 400.9415, R 400.9416, R 400.9417, R 400.9418, R 400.9419, R 400.9501, R 400.9502, R 400.9503, R 400.9504 and R 400.9506 of the Michigan Administrative Code are amended. R 400.9310 and R 400.9420 are added to the Code. R 400.9199 is rescinded.

R 400.9101 Definitions.

Rule 101. As used in these rules:

- (a) "Act" means 1973 PA 116, as amended, being MCL 722.111 to 722.128.
- (b) "Agency" means the child placing agency that certifies the foster home for licensure by the department.
- (c) "Corporal punishment" means hitting, paddling, shaking, slapping, spanking, or any other use of physical force as a means of behavior management, except as provided in R 400.9404(2).
- (d) "Department" means the Michigan department of human services.
- (e) "Family member" means foster parents, foster children, and members of the household.
- (f) "Foster care" means the care, training, protection, and supervision of a foster child.
- (g) "Foster child" means a person who meets the following criteria:
  - (i) Resides in an out-of-home placement based on a court order or is temporarily placed by a parent or guardian for a limited time in a foster home as defined by the act or has been released by a parent to the department or a child placing agency pursuant to section 22 of 1939 PA 288, MCL 710.22.
  - (ii) Is either of the following:
    - (A) Placed with or committed to the department for care and supervision by a court order under section 712A.2 of 1939 PA 288, MCL 712A.2.
    - (B) Is eighteen years of age or older, was in foster care prior to turning eighteen, and agrees to remain in care following termination of court jurisdiction.

(h) Foster home" means a foster family home or foster family group home as defined in section 1 of the act.

(i) "Foster parent" means the person or persons to whom a foster home license is issued.

(j) "Infant" means a child between birth and 12 months of age.

(k) "Member of the household" means any person, other than foster children, who resides in a foster home on an ongoing or recurrent basis.

(l) "Substantial noncompliance" means repeated violation of the act or an administrative rule promulgated under the act, or noncompliance with the act, a rule promulgated under the act, or the terms of a license that jeopardizes the health, safety, care, treatment, maintenance, or supervision of individuals receiving services or, in the case of an applicant, individuals who may receive services.

(m) "Substitute care" means care that is provided to a foster child when the foster parent is not present or not available.

(n) "Willful noncompliance" means, after receiving a copy of the act, the rules promulgated under the act, and a copy of the terms of the license if applicable, an applicant or licensee knows or had reason to know that his or her conduct is a violation of the act, the rules promulgated under the act, or the terms of the license.

R 400.9199 Rescinded.

## PART 2. APPLICATION AND LICENSING

R 400.9201 Foster home applicant /licensee qualifications.

Rule 201. A foster home applicant or licensee shall meet all of the following qualifications:

(a) Be 18 years of age or older.

(b) Be of good moral character.

(c) Express a willingness to provide care for children who are served by the agency.

(d) Demonstrate an understanding of the care which must be provided to the children served by the agency.

(e) Express a willingness to learn how to provide care to children served by the agency.

(f) Have adequate time to provide care and supervision for the children.

(g) Have a defined legal source of income, and be capable of managing that income, to meet the needs of the foster family.

(h) Be of such physical, mental, and emotional health to assure appropriate care of children.

(i) Express a willingness, and demonstrate the ability, to work with a foster child's family or future family.

(j) Be of responsible character and be suitable and able to meet the needs of children and provide for their care, supervision, and protection.

(k) Demonstrate a willingness and ability to comply with the licensing rules for foster homes.

(l) Be residing in the United States legally.

R 400.9202 Member of household qualifications.

Rule 202. (1) To assure the safety and welfare of a foster child, a member of the household shall meet all of the following qualifications:

(a) Be of good moral character and suitable to assure the welfare of children.

(b) Be in a state of physical, mental, and emotional health that will not impair the care of a foster child.

(c) Be willing to accept a foster child into the foster home as a member of the household.

(d) Be residing in the United States legally.

(2) Any adult member of the household who provides care for foster children shall also meet the qualifications specified in R 400.9201.

R 400.9203 Orientation.

Rule 203. Before completing and submitting an application for an original license or transferring a license to another certifying agency, each applicant/licensee for a foster home license shall attend orientation pursuant to R 400.12307.

R 400.9205 Records check.

Rule 205. (1) A foster home applicant/licensee shall provide the agency with the name of, and a signed release to obtain any of the following information about, each adult member of the household, including children who turn 18 years of age while living in the home:

- (a) Conviction of a crime other than a minor traffic violation.
- (b) Involvement in substantiated abuse or neglect of a child or adult.
- (c) Placement on court-supervised parole or probation.

(2) By the next working day after another adult moves into a currently licensed foster home, or upon the request of the agency, a foster parent shall provide the agency with the name of the adult and a signed release to obtain the information required in subrule (1) of this rule.

(3) If an applicant, licensee, or adult household member is identified on central registry as a perpetrator of child abuse or neglect in this state or any other state or Canadian province, he or she shall not be licensed or reside in a licensed foster home.

R 400.9206 Foster home evaluation.

Rule 206. A foster home applicant/licensee shall do all of the following:

- (a) Allow the agency access to the foster home for licensing and foster child supervision purposes.
- (b) Truthfully assist the agency in determining all of the following:
  - (i) Marital and family status and history, including current and past level of family functioning and relationships and any incidents of domestic violence or abuse, either as a perpetrator or victim.
  - (ii) The circumstances surrounding any criminal convictions or arrests for each member of the household, including minor children.
  - (iii) Educational history and any special skills and interests.
  - (iv) Employment history, current financial status, including property and income, money management skills, and outstanding financial obligations.
  - (v) Physical, mental, and emotional health of each member of the household.
  - (vi) Any history of substance abuse, including alcohol, drugs or controlled substances, by each member of the household and a description of any treatment received.
  - (vii) Current substance use, including alcohol, drugs, or controlled substances, by each member of the household and a description of any treatment currently being received.
  - (viii) Parenting skills and attitudes toward children.
  - (ix) Methods of discipline of children.
  - (x) Adjustment and special needs of the applicant's own children, including children not living in the home.
  - (xi) Strengths and weaknesses of each member of the household.
  - (xii) Experiences with own parents and any history of out-of-home care.
  - (xiii) Family's perception of the purpose of foster care.
  - (xiv) Reason for applying to be a foster family.

- (xv) Previous licenses or experience in providing child foster care, child day care, or adult foster care.
- (xvi) Willingness of each member of the household to accept a foster child with the child's individual characteristics, needs, and background.
- (xvii) Willingness to parent cross-racially or cross-culturally and to create an atmosphere that fosters the racial identity and culture of a foster child.
- (xviii) Willingness and ability to give a foster child guidance, love, and affection and accept the child as a member of the household.
- (xix) Willingness and ability to work with a foster child's birth family and to understand the foster child's attachment to the birth family.
- (xx) Understanding of and willingness to participate in concurrent planning.
- (xxi) Existence of a social support system including alternate care providers.
- (xxii) Spirituality or religious beliefs.
- (xxiii) Safety and maintenance of the applicant's house and property, including but not limited to: sufficient beds and sleeping space, pets, guns and other weapons, and water hazards.
- (xxiv) Assessment of the neighborhood, schools, community, and available resources.
- (xxv) The age, number, gender, race, ethnic background, and special characteristics of children preferred by the applicants.
- (c) Provide the agency with all of the following:
  - (i) Three current references from persons not related to the applicants.
  - (ii) A medical history that includes all treatments and all prescriptions used by each member of the household.
  - (iii) A medical statement that includes all treatments and all prescriptions and medications being used by each member of the household that indicates that the member has no known condition which would affect the care of a foster child. The statement shall be signed by a physician, physician's assistant, or nurse practitioner within the 12-month period before licensure.
  - (iv) A statement regarding any past and/or current mental health treatment or counseling by any member of the household.

#### R 400.9207 Foster home reevaluations and special evaluations.

Rule 207. A foster parent shall do all of the following:

- (a) Allow the agency access to the foster home for licensing and foster child supervision purposes.
- (b) On an ongoing basis, provide all changes to the factual information contained in the initial evaluation and subsequent evaluations.
- (c) Share information on family functioning and interrelationships.
- (d) Provide a preference for receiving children in placement, including the characteristics, age, sex, race, ethnic background, and number of children the foster parents would not wish to accept in placement.

### PART 3. FOSTER HOME

#### R 400.9301 Maintenance.

Rule 301. (1) A foster parent shall ensure that the property, structure, premises, and furnishings of a foster home are constructed and maintained in a clean and safe condition and in good repair.

(2) A foster parent shall ensure that the property, structures, premises, and furnishings are adequately constructed and maintained to meet the needs of each foster child and each member of the household.

(3) A foster parent shall ensure that all animals are safe to be around members of the household and the children who may be placed in the home. The foster parent shall notify the agency within 3 business

days when new pets are acquired. Animals shall be licensed and vaccinated in accordance with the laws of the municipality where the foster home is located.

(4) Before using a residential pool, spa, or hot tub, the foster parent shall ensure that the water is clean, safe, and sanitary.

(5) Children must be adequately supervised at all times around any water activity.

(6) If there is a residential pool, spa, hot tub, pond, or other body of water on the premises, rescue equipment shall be available at all times. There shall be an alarm on any exterior door that leads directly to the pool, spa, hot tub, pond, or other body of water.

#### R 400.9306 Bedrooms.

Rule 306. (1) A foster parent shall ensure that bedrooms comply with all of the following provisions:

(a) Provide an adequate opportunity for both rest and privacy and access to adult supervision as appropriate for the age and functioning level of each child.

(b) Have not less than 40 square feet of floor space per person, excluding closets.

(c) Have sufficient space for the storage of clothing and personal belongings.

(d) Have a finished ceiling, floor-to-ceiling permanently affixed walls, and finished flooring.

(e) Have a latchable door that leads directly to a means of egress. As used in this rule, latchable means that the door can be closed and will remain closed until someone opens it. Latchable does not mean lockable.

(f) Have at least 1 outside window that complies with all of the following provisions:

(i) Is accessible to children and caregivers.

(ii) Can be readily opened from the inside of the room.

(iii) Is of sufficient size and design to allow for the evacuation of children and caregivers.

(g) Be free of all of the following:

(i) Household heating equipment.

(ii) Water heater.

(iii) Clothes washer.

(iv) Clothes dryer.

(2) A foster parent shall not use as a bedroom a room that is primarily used for purposes other than sleeping. A foster parent shall not use any of the following as a bedroom:

(a) A hall.

(b) A closet.

(c) A stairway.

(d) A garage.

(e) A shed.

(f) A detached building.

(g) A room or space, including an attic, that is accessible only by a ladder, folding stairway, or through a trapdoor.

(3) A foster parent shall ensure that all bedding and sleeping equipment comply with the standards set forth in the U.S. Consumer Product Safety Commission, Safety Standards for Full Size Baby Cribs and Non-Full Size Baby Cribs; Final Rule, 16 CFR Parts 1219, 1220 and 1500, (<http://www.cpsc.gov>) for the age of the child using the equipment and also comply with all of the following conditions:

(a) All blankets shall be appropriate for the weather.

(b) All bedding and equipment shall be in good repair and cleaned and sanitized before being used by another person.

(c) All bedding used by children shall be washed when soiled or weekly at a minimum.

(d) A clean pillow is available for children 2 years of age and older.

(e) Infants, birth to 12 months of age, shall rest or sleep alone in a crib that meets the needs of the infant and the conditions of subdivision (f) of this subrule.

(f) All cribs shall be equipped with all of the following:

(i) A firm, tight-fitting mattress with a waterproof, washable covering.

(ii) No loose, missing, or broken hardware or slats.

(iii) Not more than 2 3/8 inches between the slats.

(iv) No corner posts over 1/16 inches high.

(v) No cutout designs in the headboard or footboard.

(vi) A tightly fitted bottom sheet shall cover the mattress with no additional padding placed between the sheet and mattress.

(g) An infant's head shall remain uncovered during sleep.

(h) Soft objects, bumper pads, stuffed toys, blankets, quilts or comforters, and other objects that could smother a child shall not be placed with or under a resting or sleeping infant.

(i) Blankets shall not be draped over cribs.

(j) Infant car seats, infant seats, infant swings, bassinets, highchairs, playpens, pack'n plays, collapsible cribs, collapsible playyards, waterbeds, adult beds, soft mattresses, sofas, beanbags or other soft surfaces are not approved sleeping equipment for children 24 months of age or younger.

(k) Children 24 months or younger who fall asleep in a space that is not approved for sleeping shall be moved to approved sleeping equipment appropriate for their size and age.

(l) The foster parent shall have the appropriate number and types of beds/cribs available in the home prior to licensure or a change in terms for all children who will be covered under the terms of the license.

#### R 400.9308 Telephone.

Rule 308. (1) A foster parent shall ensure that a working telephone is available in the foster home at all times.

(2) A foster parent shall ensure that emergency telephone numbers which follow appropriate agency protocol are within sight of the telephone.

(3) The foster parent shall provide the home telephone number to the certifying agency and shall inform the agency within 24 hours if the number changes.

#### R 400.9309 Wheelchair access.

Rule 309. A foster parent shall ensure that a foster home that provides care to a foster child who regularly requires the use of a wheelchair is wheelchair accessible.

#### R 400.9310 Smoking.

Rule 310. (1) An individual shall not smoke any substance inside the foster home while foster children are placed in the home.

(2) An individual shall not smoke any substance inside a vehicle while transporting foster children.

### PART 4. FOSTER CARE

#### R 400.9401 Child capacity; living arrangement.

Rule 401. (1) Both of the following apply to the capacity of a foster home:

(a) Not more than 8 children under 17 years of age, including children of the foster parents, may live in or receive foster care in a foster home at any given time ~~is 8~~.

(b) If a foster home is concurrently licensed for child care, the total number of children under 17 years of age, including children of the foster parents, who live in or receive care in the foster home, shall not

exceed 12. The foster home shall comply with all applicable licensing rules for both foster homes and child care homes.

(2) All of the following apply to infants:

(a) Not more than 2 children under 1 year of age, including the children of the foster parents, may receive care in a foster home at any time.

(b) Children birth to 12 months of age shall sleep alone in a crib.

(c) An infant shall be placed on his or her back for resting and sleeping.

(d) An infant unable to roll from stomach to back, and from back to stomach, when found facedown, shall be placed on his or her back.

(e) An infant who can easily turn over from his or her back to his or her stomach shall be initially placed on his or her back, but allowed to adopt whatever position he or she prefers for sleep.

(f) For an infant who cannot rest or sleep on her/his back, the foster parent shall have written instructions, signed by a physician, detailing an alternative safe sleep position and/or other special sleeping arrangements for the infant.

(g) The foster parent shall maintain supervision and frequently monitor infants' breathing, sleep position, and bedding for possible signs of distress. Baby monitors shall not be used exclusively to comply with this subdivision.

(4) A child who is non-ambulatory and cannot readily be carried by 1 member of the household shall sleep in a bedroom that has a means of exiting at ground level.

(5) A child shall not share a bedroom with a non-parent adult unless 1 of the following conditions exists:

(a) The child and adult are siblings of the same sex.

(b) The child and adult are foster siblings who were sharing the bedroom prior to 1 of them turning 18 years of age.

(c) The child has a special medical need that requires the attention of an adult during sleeping hours.

(6) A minor child, 3 years of age or older, shall not routinely share the same bedroom with a parent.

(7) Children of the opposite sex, any of whom are more than 5 years of age, shall not share the same bedroom.

(8) Each child shall sleep alone in a bed that is sufficient to meet the functioning level, size, length, and other special needs of the child.

(9) Resting or sleeping areas shall have adequate lighting to allow the foster parent to assess children.

#### R 400.9403 Foster parent duties.

Rule 403. A foster parent shall carry out each of the following functions:

(a) Cooperate with and assist the agency in the agency's implementation of the service plan for children and their families.

(b) Fully disclose to the agency information concerning a foster child's progress and problems.

(c) Provide written notification to the agency of the need for a foster child to be moved from the foster home not less than 14 calendar days before the move, except when a delay would jeopardize the foster child's care or safety or the safety of members of the foster family.

(d) Maintain a copy of and follow the agency's written policies and procedures for foster parents and foster care, including the policies and procedures for all of the following:

(i) Behavior management as required by R 400.12313.

(ii) Religion as required by R 400.12314.

(iii) Communication as required by R 400.12315.

(iv) Education as required by R 400.12409.

(v) Personal possessions as required by R 400.12316.



- (vi) Allowance and money, as required by R 400.12317.
- (vii) Clothing as required by R 400.12318.
- (viii) Emergencies as required by R 400.12323.
- (ix) Medical and dental care as required by R 400.12413.
- (x) Substitute care as required by R 400.12319.
- (xi) Supervision as required by R 400.12320.
- (xii) Incidents reporting as required by R 400.12322.
- (xiii) Hazardous materials as required by R 400.12321.

R 400.9404 Behavior management.

Rule 404. (1) A foster parent shall follow the behavior management plan developed for each foster child by the child's social services worker.

(2) A foster parent may use reasonable restraint to prevent a foster child from harming himself or herself, other persons, or property or to allow the child to gain control of himself or herself.

(3) A foster parent shall not use corporal punishment for any reason with a foster child.

R 400.9406 Communication.

Rule 406. A foster parent shall comply with the agency's communication policy.

R 400.9408 Personal possessions.

Rule 408. A foster parent shall comply with both of the following:

(a) Assure that a child has a right to have his or her personal possessions during placement with the foster family or to have them stored in a safe and secure manner when leaving the foster family.

(b) All gifts and clothing that are purchased for the child during placement with the foster family remain the property of the foster child.

R 400.9409 Allowance and money.

Rule 409. (1) A foster parent shall follow the agency's policy on allowance.

(2) Any money earned or received directly by the child remains the property of the child.

R 400.9410 Clothing.

Rule 410. All clothing the child has when he or she arrives at the foster home and all clothing purchased for the child while in the foster home remains the property of the foster child.

R 400.9411 Emergencies

Rule 411. (1) A foster parent shall follow agency approved written procedures for each of the following emergencies:

(a) Fire.

(b) Tornado.

(c) Serious accident or injury.

(2) A foster parent who provides care for a person who requires assistance to evacuate the home shall follow agency approved written procedures for prompt evacuation.

(3) A foster parent shall familiarize each member of the household, including the foster child according to the child's ability to understand and persons who provide substitute care, with the emergency and evacuation procedures.

- (4) A foster parent shall practice emergency evacuation procedures at least 1 time every 4 months.

R 400.9412 Medical and dental care.

Rule 412. (1) A foster parent shall follow and carry out the health plan for a foster child as prescribed by a physician, health authority, or the agency.

(2) A foster parent shall follow agency approved protocols for medical care of a foster child who is injured or ill.

(3) A foster parent shall ensure that all medications, both prescription and nonprescription, are inaccessible to children and properly stored unless there is an alternative direction from the prescribing physician.

(4) A foster parent shall ensure that prescription medication is given or applied as directed by a licensed physician.

R 400.9413 Substitute care.

Rule 413. (1) A foster parent shall follow the agency's substitute care policy.

(2) A foster parent shall ensure that appropriate care and supervision are provided for foster children at all times consistent with the child's treatment plan.

(3) A foster parent shall identify a primary substitute caregiver who agrees to follow the policies of the certifying agency.

R 400.9414 Unusual incident notification.

Rule 414. (1) A foster parent shall immediately notify the agency of the death of a foster child.

(2) A foster parent shall immediately notify the agency of the removal or attempted removal of a foster child from a foster home by any person not authorized by the agency.

(3) A foster parent shall immediately notify the agency that a foster child is missing.

(4) A foster parent shall notify the agency within 24 hours after the foster parent knows of any of the following:

- (a) Any illness that results in inpatient hospitalization of a foster child.
- (b) Any accident or injury of a foster child that requires medical treatment by a licensed or registered health care person.
- (c) A foster child's involvement with law enforcement authorities.
- (d) Pregnancy of a foster child.
- (e) Incidences of child-on-child abuse.
- (f) Involvement with law enforcement by anyone in the home pursuant to a criminal investigation.

R 400.9415 Hazardous materials.

Rule 415. (1) A foster parent shall follow the agency's hazardous materials policy.

(2) Dangerous and hazardous materials, objects, weapons, chemicals, medication, or equipment that may present a risk to children placed in the foster home shall be stored securely and out of the reach of children, as appropriate for the age and functioning level of the children.

(3) Firearms are subject to the following conditions:

- (a) Stored in a locked metal or solid wood gun safe or
- (b) Trigger-locked and stored without ammunition in a locked area.
- (c) Ammunition shall be stored in a separate locked location.
- (d) A handgun shall be registered. Documentation of the registration of the handgun shall be available for review.

R 400.9416 Foster parent training.

Rule 416. (1) Each licensed foster parent shall attend training as required by the agency foster parent training plan, totaling to at least 6 clock hours per year.

(2) At least 1 adult member of the household shall have training in and maintain a current certification in first aid from the American Heart Association or the American Red Cross, or other institution approved by the department.

R 400.9417 Food and nutrition.

Rule 417. (1) A foster parent shall provide for the nutritional needs of each foster child in the foster home.

(2) A foster parent shall provide a foster child with meals that are nutritious, well-balanced, and of sufficient quantity.

(3) A foster parent shall provide a special diet if a foster child has been prescribed a special diet. Only a licensed physician or other health professional under the supervision of a licensed physician may prescribe special diets.

(4) A foster parent shall allow a foster child to eat with other members of the household.

(5) A foster parent shall serve a foster child the same meals as other members of the household, unless a special diet has been prescribed or unless otherwise dictated by differing nutritional requirements related to the child's age, medical condition, or religious beliefs.

(6) A foster parent shall ensure that refrigeration is used for perishable foods.

(7) A foster parent shall only serve pasteurized milk products to foster children.

R 400.9418 Foster child tasks.

Rule 418. A foster child's tasks must be within the child's ability, be reasonable, and be similar to routine tasks expected of other members of the household of similar age and ability.

R 400.9419 Recreation.

Rule 419. A foster parent shall provide opportunities for, and encourage a foster child to participate in, a variety of indoor and outdoor recreational activities that are appropriate for the child's age and ability.

R 400.9420 Transportation.

Rule 420. (1) All transportation shall be done in a safe, responsible manner.

(2) A foster parent shall ensure that the transportation of the foster child, foster parents, and members of the household is conducted as required by state laws regarding transportation in a motor vehicle.

## PART 5. REPORTING AND RECORDKEEPING

### 400.9501 Reporting suspected child abuse or neglect.

Rule 501. (1) A foster parent who has reasonable cause to suspect physical or sexual abuse or neglect of a child shall make a report immediately to the child protective services central intake unit of the department of human services.

(2) If the suspected physical or sexual abuse or neglect occurred in the foster home or to a foster child placed in the foster home, then a foster parent shall make a report immediately to both of the following entities:

(a) The child protective services central intake unit of the department of human services.

(b) The agency.

(3) The foster parent shall provide a written report as required by 1975 PA 238, MCL 722.621 to 722.638.

R 400.9502 Reporting foster home changes.

Rule 502. A foster parent shall report to the agency any significant change in the foster home by the next working day from the time a foster parent knows of a change, including any of the following changes:

- (a) A change of employment status of a foster parent.
- (b) Serious illness, injury, or death of a foster parent or a member of the household.
- (c) Changes in household composition.
- (d) Arrests and criminal convictions of a foster parent or member of the household.
- (e) Court-supervised parole or probation of a foster parent or member of the household.
- (f) Admission to, or release from, a correctional facility, a facility, a hospital, or an institution for the treatment of an emotional, mental, or substance abuse problem of a foster parent or member of the household.
- (g) Counseling, treatment, or therapy on an outpatient basis for an emotional, mental, or substance abuse problem of a foster parent or member of the household.
- (h) Any revocation or modification of a driver's license.
- (i) Any major changes or renovations to the structure of the foster home.

R 400.9503 License application filing; agency notification.

Rule 503. (1) A foster parent shall notify the agency within 5 calendar days after filing an application for an adult foster care family home license, a family child care home certificate of registration, or a group child care home license.

(2) If the foster home is licensed concurrently as an adult foster care family home or a child care group home or registered as a family child care home, the foster parent shall notify the agency if there is a change in the terms of the adult foster care or child care license or registration.

R 400.9504 Change of residence; agency notification.

Rule 504. A foster parent shall inform the agency of any change of residence and submit an application for licensure at the new address not less than 4 weeks before a move.

R 400.9506 Record management.

Rule 506. (1) A foster parent shall maintain a record for each foster child in the home.

(2) The record shall contain all of the following current information:

- (a) The child's name and date of birth.
- (b) Any known history of abuse or neglect of the child.
- (c) All known emotional and psychological problems of the child.
- (d) All known behavioral problems of the child.
- (e) Circumstances necessitating placement of the child.
- (f) Any other known information to enable the foster parent to provide a stable, safe, and healthy environment for the foster child and the foster family.
- (g) Date of placement, date of termination of placement, and reasons for termination of placement.
- (h) Name, address, and telephone number, including emergency telephone number, of the agency and the agency's social service worker who is currently assigned to the child.
- (i) Name, address, and telephone number of the child's physician and dentist.

(j) Written consent authorizing the foster parent to obtain routine, non-surgical medical care and to authorize emergency medical and surgical treatment.

(k) A report of the child's medical history.

(l) Dates of, and reasons for, medical treatment of the foster child.

(m) Child's behavior management and discipline plan.

(3) A foster parent shall store and maintain each record in a manner to prevent unauthorized access or return the documents to the agency.

(4) When a foster child moves from the foster home all records regarding that child shall be returned to the agency.

(5) Upon closure of the foster home license, all records provided by the child placing agency shall be returned to the agency.

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**ADMINISTRATIVE RULES**

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DEPARTMENT OF NATURAL RESOURCES

FOREST RESOURCES DIVISION

COMMERCIAL FORESTS

Filed with the Secretary of State on December 4, 2014

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of natural resources by Part 511 of 1994 PA 451, MCL 324.51101 to 324.51120)

R 299.2601, R 299.2603, R 299.2603a, R 299.2604, R 299.2605, R 299.2605a, R 299.2606, R 299.2608, R 299.2610, and R 299.2611 of the Michigan Administrative Code are amended, R 299.2607 and R299.2612 of the Michigan Administrative Code are rescinded, and R 299.2605b is added as follows:

R 299.2601 Application requirements for listing land; "act" defined.

Rule 1. (1) An application for listing land shall be on a form prescribed by the department. An application shall be under oath, signed, dated, notarized, and postmarked not later than April 1 to be considered for listing in the following tax year. An application signed, dated, notarized, or postmarked after April 1 shall be carried forward for consideration in the following tax year or returned to the applicant.

(2) An application shall be prepared for each county covering all land in that county for which listing is desired. The application fee as required by MCL 324.51103 shall be calculated based on the total acreage applied for in each application.

(3) Land applied for shall be considered for listing as it is currently and legally described by recorded deed and on ad valorem assessment and tax rolls. Consolidation of contiguous descriptions in 1 section into a single larger description shall be done where possible.

(4) An application shall fully describe each tract and shall include all of the following information:

(a) County name.

(b) Political township.

(c) Town, range, section, and section subdivision.

(d) School district in which the tract is located.

(e) Legally redescribing land to exclude areas not eligible for listing is permissible. The department may require a certified survey in accordance with section 1 of 1970 PA 132, MCL 54.211, if deemed necessary to determine eligibility.

(f) Net acreage shall include rights-of-way covered by easements, but shall not include rights-of-way deeded to others or tracts owned by others.

(5) If any interest in the title to land for which application for listing has been made is transferred between application submission date and the subsequent December 31, the applicant shall notify the department in writing immediately at the time of the transfer of title. Land no longer owned by the

applicant and other application parcels that become ineligible due to the transfer of title shall be denied listing. If the land has already been approved for listing when notice of the transfer of title is received, the department shall cancel the listing.

(6) As used in these rules, "act" means Part 511 of 1994 PA 451, MCL 324.51101 to 324.51120.

R 299.2603 Listing certificate.

Rule 3. (1) Land approved for listing by the department shall be recorded on a listing certificate that will be sent to the applicant for signature. A listing certificate shall be prepared for each county in which the applicant owns land approved for listing.

(2) The signed listing certificate shall be promptly returned to the department by the applicant. The department shall sign the certificate and, not later than December 31, shall send the signed listing certificate to the appropriate county register of deeds and the appropriate township supervisor of land approved for listing.

(3) Land approved for listing shall be removed from the ad valorem assessment and tax roll for the following tax year and shall be placed on a commercial forest specific assessment and tax roll for taxation at the rate specified in MCL 324.51105.

(4) Any tax assessed after April 1 of the application year must be paid and evidence of such payment submitted to the department not later than March 1 of the first year of listing. If evidence of such payment is not received by the department, the listing shall be cancelled by the department. Both of the following apply:

(a) If the listing is cancelled, the department shall notify the township supervisor of the cancellation and request that the land be returned to the ad valorem tax roll for that tax year.

(b) If the listing certificate has been recorded at the county register of deeds, the department shall record a cancellation document with the register of deeds in said county.

R 299.2603a Return of portions of fees, taxes, and state payments to department of treasury for credit to state school aid fund; time.

Rule 3a. Those portions of revenues as defined in MCL 324.51109 which must be returned to the state treasury to the credit of the state school aid fund, pursuant to MCL 324.51106 and 324.51109, shall be returned to the state treasury by the appropriate township or county treasurer not later than April 1 of the year following the year of their receipt.

R 299.2604 Land; eligibility for listing.

Rule 4. (1) To be eligible for listing, land shall meet the requirements for character and use prescribed in MCL 324.51101, 324.51103 and 324.51113.

(2) A tract of less than 40 acres is not eligible for listing unless it is contiguous to land already listed by the same owner or being listed by the same owner. However, a tract of less than 40 contiguous acres may be eligible if it is a fractional survey description, or if its net area is less than 40 acres because of rights-of-way deeded to others, and if the department determines the tract is a reasonable and economic commercial forest management unit.

(3) Land within the boundaries of a city or village is not eligible for listing.

(4) Land zoned contrary to the intent of the act is not eligible for listing.

(5) Leasing and exploration for minerals and wind energy production are permitted on land listed under the act. Land for which application is being made for listing which is subject to mineral or wind energy leases or upon which exploration is occurring may be considered for listing if otherwise eligible.

(6) Commercial extraction of oil and gas is permitted on land listed under the act. Land for which application is being made for listing which is subject to oil and gas extraction may be considered for listing if otherwise eligible. All of the following apply:

(a) At least 30 days prior to removal, the owner shall submit to the department an application to remove oil and gas on a form prescribed by the department.

(b) Facilities, equipment, and structures directly related to and used solely for the extraction of oil and gas are permitted on land listed under the act.

(c) Refining of hydrocarbon liquids or underground natural gas storage/compression and any associated structures are not permitted on land listed under the act.

(7) If an owner owns both surface and mineral rights and the owner or his or her contractors undertake commercial mineral extraction other than oil and gas, the owner shall withdraw the affected land from listing prior to extraction.

(8) If surface and mineral rights are separately owned and the mineral owner or his or her contractors undertake commercial mineral extraction other than oil and gas, the surface owner shall withdraw the affected land from listing prior to extraction.

(9) The owner of listed land shall advise the department of any commercial mineral extraction operations and/or wind energy production and initiate withdrawal of the listed land affected prior to mineral extraction or wind energy production.

(10) If commercial metallic, nonmetallic, or other mineral extraction occurs, except oil and gas, the affected land to be withdrawn shall include either of the following:

(a) All of each listed 40-acre description, fractional description, government lot, or its equivalent over, upon, within, or under which mining operations occur.

(b) The area over, upon within or under which mining operations occur, as delineated on a project map of the affected area. Mining operations, in addition to the extraction of minerals or ores, include the utilization of an area or tract of land for any of the following purposes:

(i) Pits.

(ii) Openings.

(iii) Shafts.

(iv) Processing facilities.

(v) Stockpiling areas.

(vi) Water and tailings basins.

(vii) Shipping facilities.

(11) If mineral extraction results in the retention of land under listing that by itself is ineligible for listing, other than the acreage requirement, the landowner shall also withdraw this ineligible land from listing.

(12) Extraction of sand and gravel is permitted on listed land pursuant to MCL 324.51113. At least 30 days prior to removal, the owner shall submit to the department an application to remove sand and gravel on a form prescribed by the department. Sand and gravel applications shall be approved for a period not to exceed 2 years. If removal is not completed within the approved time period, a new application shall be submitted for the same description.

(13) The posting of a mineral exploration site or an oil and gas extraction site on listed land to prohibit public access on that site is permitted if necessary for public safety. Posting shall be restricted only to the area needed for efficient and safe operation of the exploratory or extraction site and shall be limited to the time during which exploration and/or extraction occurs.

(14) Tree plantations, to be eligible for listing and if otherwise eligible, shall have survived through the first 2 growing seasons after planting and, at the time of application, shall carry sufficient forest growth



of suitable character and distribution to assure that a stand of merchantable timber will be developed within a reasonable time.

(15) Any 40-acre description, fractional description, or other description meeting the minimum acreage eligibility requirement specified in subrule (2) of this rule is not eligible for listing if it contains 25% or more nonstocked but productive land. This subrule applies to each such description even though it may be contiguous to other descriptions already listed by the same owner or being listed by the same owner.

(16) Any 40-acre description, fractional description, or other description just meeting the minimum acreage eligibility requirement specified in subrule (2) of this rule is not eligible for listing if it contains 50% or more nonproductive land unless it is contiguous to, and is an integral part of, a larger managed forest already listed by the same owner or being listed by the same owner.

(17) Land managed for Christmas trees or for forest crops normally harvested at an age of 10 years or less is not eligible for listing.

R 299.2605 Criteria to determine compliance with act.

Rule 5. Land listed as commercial forest shall comply fully with the requirements of the act and all of the following provisions:

(a) The owner of forest land listed under the act shall manage that land consistent with the purposes expressed in MCL 324.51101, 324.51103 and 324.51113 and according to the owner's forest management plan.

(b) Except as provided in MCL 324.51113, listed land shall not be used or obligated for any commercial purpose other than production of forest products and shall not be managed in a manner detrimental to the growth and development of those products.

(c) Noncommercial uses compatible with good forest management and full productivity of listed land are permitted.

(d) An easement may be granted across listed land if the effect on the productivity of the listed land is minimal. The owner shall notify the department, in writing, of a prospective easement across listed land.

(e) Buildings or improvements shall not be permitted on listed land, except those used exclusively for the conduct of commercial forest management operations or as specified in R 299.2604(6).

(f) An owner shall submit to the department, upon request, a description of public access to specific parcel descriptions of listed land for the purpose of hunting and fishing.

(g) If an owner enters into a conservation easement or makes any other restrictive commitment on listed land, the owner shall submit a copy of the conservation easement or restrictive document to the department within 30 days of signing such an agreement. If these documents contain provisions contrary to the act or these rules, the owner shall withdraw the land pursuant to MCL 324.51108.

R 299.2605a Public use of listed land.

Rule 5a. (1) Listed land shall be open to the public for hunting and fishing. Listed land shall not be posted in any manner to restrict or infer restriction of entry for hunting and fishing, except as provided in R 299.2604(13) and subrule (4) of this rule. Any act by an owner of listed land which is intended to deny or inhibit access for public hunting and fishing, except as provided in R 299.2604(13) and subrule (4) of this rule, shall preclude listing of the land or, if listed, may require withdrawal of the land from listing.

(2) Public use of listed land for any activity other than hunting or fishing requires owner permission. The owner of listed land may restrict, through posting, activities other than public hunting and fishing.

(3) Fences and gates do not disqualify land from listing if the owner allows public entry for hunting and fishing.

(4) The owner of listed land may restrict public access for hunting and fishing during active commercial logging periods within the affected area if both of the following conditions are met:

- (a) The owner has notified the department pursuant to MCL 324.51111 and R 299.2606.
- (b) The activities are in compliance with the owner's forest management plan.

R299.2605(b) Forest management plan.

Rule 5b. (1) Pursuant to MCL 324.51101 and 324.51103, an owner shall maintain a current, written forest management plan in effect for all commercial forest land, and shall actively manage the commercial forest land according to this plan.

(2) A forest management plan shall meet the minimum requirements established and published by the department.

(3) The owner shall notify the department, in writing, 30 days prior to implementation, of any amendment or revision to a forest management plan.

(4) The certification required in MCL 324.51103 shall be on a form prescribed by the department and shall reference the owner's current forest management plan.

R 299.2606 Prior reporting; harvest of forest products.

Rule 6. (1) The owner of listed land shall report to the department of intent to harvest on a form prescribed by the department, prior to the cutting, harvesting, or removal of forest products from listed land.

(2) Cutting, harvesting, or removal of forest products from listed land shall be in accordance with the owner's forest management plan and limited to descriptions and harvest practices identified on the report.

(3) Prior reporting is not required for noncommercial timber management operations where no merchantable forest products are cut, sold, given away, utilized, removed, or destroyed.

(4) The department shall approve a harvest report for a period not to exceed 2 years. If harvesting operations, except transport of products, is not completed within the approved time period, an additional report shall be submitted to the department for the same description.

(5) The owner shall notify the department of any changes to the harvest described on the approved report, including descriptions, harvest practices, or other terms on the report.

R 299.2607 Rescinded.

R 299.2608 Withdrawal of listed land.

Rule 8. (1) The owner shall complete and submit an application to the department to withdraw listed land on a form prescribed by the department. If the withdrawal will result in the retention of listed land that by itself is ineligible for listing, the department shall also require withdrawal of that ineligible land in addition to the land contained in the initial withdrawal application.

(2) The department shall send the applicant a withdrawal certificate indicating the withdrawal penalty computed in accordance with MCL 324.51108 and instructions to make the penalty payment to the township treasurer.

(3) Upon receipt of the signed withdrawal certificate and certification by the township treasurer that the withdrawal penalty has been paid, the department shall certify the withdrawal as provided in MCL 324.51108. The date of this certification shall be the effective date of the withdrawal.

(4) Withdrawn land shall be subject to the specific tax and not to the ad valorem property tax in the tax year in which it is withdrawn.

(5) For a partial withdrawal of listed land, the department may require a certified survey in accordance with 1970 PA 132, MCL 54.211, of the land to be withdrawn and the land that will remain listed, if deemed necessary to ensure eligibility.

R 299.2610 Transfers of title.

Rule 10. (1) Transfer of title does not alter the listing if land eligibility is unaffected, and the new owner is in compliance with the act within 60 days of notification by the department.

(2) If listed land is purchased under a land contract, a copy of the land contract shall be submitted by the vendee of the land contract to the department. If the terms of the land contract are not in compliance with the act or these rules, the land contract shall be amended to comply with the act or the land contract vendee shall withdraw the land pursuant to MCL 324.51108 and R 299.2608.

(3) A title transfer which creates a separately owned description which does not meet eligibility requirements shall require withdrawal of that description from listing.

(4) If the state or other governmental agency is acquiring listed land by purchase, gift, donation, condemnation, or exchange, that land shall be withdrawn from listing by the owner before the title transfer is completed. If the title is transferred without prior withdrawal, the state or other governmental agency shall withdraw the land pursuant to MCL 324.51108.

(5) If listed land is being acquired by an entity whose land is exempted from ad valorem real property taxes pursuant to the provisions of 1893 PA 206, as amended, MCL 211.1, the land shall be withdrawn from listing by the owner of record before the title transfer is completed. If the title is transferred without prior withdrawal, the acquiring entity shall withdraw the land pursuant to MCL 324.51108.

R 299.2611 Trespass.

Rule 11. The department is not responsible for the protection of listed land against trespass upon forest products. If trespass upon forest products occurs, the owner shall notify the department in writing and bring the land into compliance with the act.

R 299.2612 Rescinded.

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**ADMINISTRATIVE RULES**

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

EMPLOYMENT RELATIONS COMMISSION

ADMINISTRATION OF COMPULSORY ARBITRATION ACT FOR LABOR DISPUTES IN  
MUNICIPAL POLICE AND FIRE DEPARTMENTS

Filed with the Secretary of State on December 5, 2014

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a (6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State

(By authority conferred on the employment relations commission by section 7 of 1939 PA 176, and section 33 of 1969 PA 306, MCL 423.7 and 24.233, and Executive Reorganization Order Nos. 2011-4 and 2011-5, MCL 445.2030 and 445.2031)

R 423.501, R 423.502, R 423.503, R 423.504, R 423.505, R 423.506, R 423.507, R 423.509, R 423.511, R 423.512, R 423.513 and R 423.514 of the Michigan Administrative Code are amended; R 423.515 is added to the Code, and R 423.510 is rescinded as follows:

R 423.501 Definitions; A to D.

Rule 1. As used in these rules:

(a) "Act 312" means 1969 PA 312, MCL 423.231 to 423.247.

(b) "Advocate" means an individual who has represented management or a union in collective bargaining or labor relations in the 5 years prior to his or her selection by the commission as a nominee for an impartial arbitrator or chair of an arbitration hearing panel pursuant to Section 5(1) of 1969 PA 312, MCL 423.235(1). Advocate also means an individual, including an attorney, who is associated with a firm or entity that has represented management or a union in collective bargaining or labor relations in the 5 years prior to his or her selection by the commission as a nominee for an impartial arbitrator or chair of an arbitration hearing panel pursuant to section 5(1) of 1969 PA 312, MCL 423.235(1).

(c) "Arbitration hearing panel" means the impartial arbitrator or chair and 2 delegates who conduct an act 312 arbitration hearing.

(d) "Arbitrator" means an individual who is appointed by the commission to the Michigan employment relations commission panel of arbitrators to be an impartial arbitrator or chair of the arbitration panel in an act 312 arbitration hearing.

(e) "Commission" means the employment relations commission as established in section 3 of the LMA.

(f) "Commission's panel of arbitrators" means those members who are appointed to the Michigan employment relations commission panel of arbitrators by the commission.

(g) "Delegate" means an employee or employer representative who sits on the act 312 arbitration hearing panel.

(h) "Dispute" means a disagreement regarding mandatory subjects of bargaining concerning rates of pay, wages, hours of employment, or other conditions of employment.

R 423.502 Definitions; L to P.

Rule 2. As used in these rules:

(a) "LMA" means 1939 PA 176, MCL 423.1 to 423.30 .

(b) "Mediator" means the commission, a commission member, or an employee who is designated by the commission to perform the functions and duties of mediation pursuant to act 312, LMA, and PERA in the commission's mediation division.

(c) "PERA" means 1947 PA 336, MCL 423.201 to 423.217.

(d) "Petition" means the document that contains the information specified in R 423.505.

(e) "Petitioner" means a person or duly authorized agent thereof who files a petition pursuant to the provisions of act 312 for compulsory arbitration.

(f) "Representative" means a person, who may or may not be an attorney, who represents a party in an act 312 proceeding.

R 423.503 Mediation.

Rule 3. (1) It is the policy of the commission to encourage parties to a labor dispute to settle their disputes through the collective bargaining process subject to section 30 of 1939 PA 176, MCL 423.30, and section 15 of 1947 PA 336, MCL 423.215. If the issues in dispute cannot be resolved through the collective bargaining process, then either party may request, or the commission may initiate, mediation.

(2) Upon the request of 1 of the parties to the dispute, or upon its own initiative, the commission shall appoint a mediator.

(3) The mediator may do any of the following:

(a) Arrange for, hold, adjourn, or reconvene a conference or conferences between the disputants or any of their representatives, or both.

(b) Direct the disputants or their representatives, or both, to attend the conference and submit, either orally or in writing, their disputes.

(c) Discuss the disputes with the disputants or their representatives.

(d) Assist in negotiating and drafting agreements for the adjustment or settlement of the disputes.

(4) A mediator shall be subject to the confidentiality requirements imposed by the provisions of 1939 PA 176, MCL 423.1 to 423.30, and 1947 PA 336, MCL 423.201 to 423.217.

R 423.504 Mediator's report to commission.

Rule 4. If binding arbitration proceedings are initiated, the mediator shall submit a written mediation report to the commission. The report shall include the following information:

(a) The date of the first mediation conference convened with the parties to the dispute and the number of dates and times of subsequent bargaining sessions and mediation conferences held.

(b) A recommendation to the commission as to whether it would be useful or beneficial to remand the dispute to the parties for further collective bargaining.

R 423.505 Petition to initiate compulsory arbitration.

Rule 5. (1) The petition shall be prepared on a form furnished by the commission. The original shall be signed and served on the other party. At the same time, 3 copies, along with a proof of service, shall be filed with the commission.

(2) The petition shall include all of the following:

(a) The name and address of the public employer involved and the name, fax number, email address, and telephone number of its principal representative.

(b) The name and address of the collective bargaining representative involved and the name, fax number, email address, and telephone number of its principal representative.

(c) The name and address of the petitioner and the signature, fax number, email address, and telephone number of the person executing the petition.

(d) Date of the first mediation conference convened with the parties to the dispute.

(3) A petition may be dismissed administratively if not filed in accordance with these rules, or if filed before 30 calendar days have passed since the dispute was submitted to mediation as evidenced by the date of the first scheduled mediation conference.

#### R 423.506 Arbitrator selection.

Rule 6. (1) If a commission-nominated panel member is an advocate as defined in R423.501(b), either party may notify the other party and may request that the commission delete the panel member's name from the list of nominees. The commission shall provide the parties with a replacement name of an arbitrator who is not an advocate. The request will extend the time limits in section 5(1) of act 312, MCL 423.235(1), by whatever reasonable time is necessary for the commission to provide the parties with another nominee and resume. If an arbitrator is not selected within 10 days, the commission may select an arbitrator.

(2) Prior to an appointment by the commission, the parties may mutually agree upon the selection of an arbitrator from the commission's panel of arbitrators or an arbitrator who is eligible for membership on that panel and notify the commission of their selection.

(3) An arbitrator's resume shall include all the following information:

(a) A brief summary of the arbitrator's educational and professional background.

(b) A list of the arbitrator's past 5 years of employment and an accurate statement of whether the arbitrator is an "advocate" as defined in R 423.501(b).

(c) A list of the arbitrator's commission arbitration awards and fact finding reports.

(d) A list that shows the percentage of advocacy work, if any, which was performed by the arbitrator and the arbitrator's firm or other entity with which the arbitrator has been associated on an annual basis for the past 5 years.

(4) The panel member shall ensure that information contained in the arbitrator's resume is current, including whether the panel member is an "advocate" as defined in R 423.501(b).

#### R 423.507 Arbitration hearing.

Rule 7. (1) An arbitrator shall begin the hearing by conducting a scheduling conference within 15 days of the arbitrator's appointment. The scheduling conference may be conducted by telephone conference call. A court reporter need not be present at the scheduling conference.

(2) The scheduling conference shall be used to discuss matters relating to the proceeding, including all of the following:

(a) Issues raised in the petition for binding arbitration submitted to the commission.

(b) Issues that the parties have resolved.

(c) Whether the issues in dispute are economic or noneconomic.

(d) The dates, times, place, and manner for all of the following:

(i) Exchange of a list of comparable communities to be used under sections 9(d)(i) and 9(d)(ii) of 1969 PA 312, MCL 423.239(1)(d)(i) and MCL 423.239(1)(d)(ii).

(ii) Exchange of applicable collective bargaining agreements or tentative agreements, or both, and applicable documents, if the collective bargaining agreement has not been completed and executed, for all comparable communities not listed by the opposing party.

(iii) The procedure and hearing dates for the determination of issues in subrule 3(a) and (b) of this rule.

(iv) The start of the evidentiary hearing unless that date will be established under subrule 3(d) of this rule.

(e) The exhibits to be entered into evidence, the method to be used for marking the exhibits, the number of copies of exhibits to be provided by the parties, and the dates and means of exchanging exhibits before hearing.

(f) The list of witnesses, including experts, to be presented by each party.

(g) The list of comparables for purposes of wages and benefits.

(h) The procedural format for the hearing.

(i) Any subpoenas, stipulations, or depositions.

(j) Whether oral arguments or written briefs are to be submitted.

(k) Other matters the panel considers appropriate.

(3) The arbitrator shall do all of the following:

(a) Make a determination on the economic issues in dispute and the duration of the collective bargaining agreement, and require each party to exchange and submit all of the following:

(i) A statement of the party's issues setting forth the specific changes in the collective bargaining agreement proposed by the party.

(ii) The party's position as to whether each issue is economic or non-economic.

(iii) The proposed duration of the collective bargaining agreement.

(b) Absent mutual agreement, conduct a procedural hearing and advise the parties in writing of the arbitration panel's decision on the issues in dispute including the duration of the collective bargaining agreement, jurisdiction of the arbitration panel concerning any disputed issue and, if in dispute, whether an issue presented by a party is economic.

(c) Direct each party to submit to the arbitration panel and to each other its last offer of settlement on each economic issue by either of the following:

(i) On a date certain after the close of the scheduling conference but prior to the first day of the evidentiary hearing.

(ii) If a procedural hearing has been scheduled, after the submission of the arbitration panel's decision on the procedural issues. Once submitted, a party may withdraw, but not otherwise modify, any economic issue submitted in its last offer of settlement except by stipulation of the parties.

(d) Establish the start date of the evidentiary hearing, if a procedural hearing was held under subrule 3(b) of this rule.

(4) The record shall be the official record of the evidentiary hearing. Before the first day of the evidentiary hearing, the arbitrator shall give reasonable notice, in writing, to the commission's court reporting supervisor of the dates, times, and locations of the evidentiary hearings. A court reporter shall be assigned by the commission or designee. If the hearing date is canceled or changed, the arbitrator shall notify the commission's court reporting supervisor immediately. If a transcript of the hearing is made and a party asserts that the transcript is incorrect, then the transcript may be corrected if the errors are substantive. Proposed corrections may be submitted by stipulation or motion to the arbitrator with notice to the other party. After notice and an opportunity to submit statements in opposition by the other party, the arbitrator shall rule on whether the transcript will be corrected.

(5) The cost of the hearing transcript shall be paid by the party or parties requesting the transcript. The cost of a hearing transcript for the benefit of the panel chair shall be divided equally among the parties.

(6) On written application of either party, the panel may issue subpoenas requiring attendance and testimony of witnesses and the production of any evidence, including books, records, correspondence, or documents, in their possession or under their control which the panel considers material to a just determination of the issues in dispute. Witnesses who are subpoenaed before the arbitration panel shall be paid the same fees and mileage that are paid to witnesses in the circuit courts. Payment shall be made by the party who requested that the witness appear and shall be made before the time that the witness testifies. An application for a subpoena may be made ex parte.

(7) With the exception of motions that are stated orally on the record at a hearing, all motions shall be made in writing, served on the other party, and shall briefly state the order, ruling, or action that is sought and shall set forth, with particularity, the reasons for such motion. Any party may, by motion, request that the arbitrator take any action which the arbitrator is authorized to take. Any statement opposing a motion shall be promptly filed and shall conform to the requirements of this subrule. The arbitrator shall rule upon motions that are filed with the arbitrator before the close of the hearing. Motions that are made during a hearing shall be ruled on by the arbitrator either during the hearing or at such time as the entire record is considered. All rulings on motions shall be in writing or, if announced at the hearing, may be stated orally on the record. All motions and any rulings or orders thereon shall become part of the record.

(8) A party shall request the permission of the arbitrator before deposing a person on oral examination. The sole purpose for taking a deposition shall be to preserve evidence. Depositions shall not be taken for the purpose of discovery. Before deposing a person on oral examination, a party shall give reasonable notice, in writing, to the arbitrator and to the other party. The notice shall state all of the following information:

- (a) The date, time, and place for taking the deposition.
- (b) The name and address of each person to be examined.
- (c) If a subpoena has been served and directs the deponent to produce documents or other tangible things, then the designation of the material to be produced, as set forth in the subpoena, shall be attached to, or included in, the notice.

(9) The arbitrator may extend or shorten the time for taking a deposition. The arbitrator shall regulate the scope, time, and order of taking depositions to best serve the convenience of the parties and the witnesses and to expedite the arbitration.

(10) Testimony shall be taken by a court reporter. The examination and cross-examination of a witness shall be allowed. The technical rules of evidence shall not apply. All objections that are made at the deposition shall be noted on the record by the party who makes the objections, including objections to any of the following:

- (a) The manner of taking the deposition.
- (b) The evidence presented.
- (c) The conduct of the party.

(11) On request of a party, documents and things that are produced for inspection during the examination of a witness shall be marked for identification and annexed to the deposition, if practicable, and may be inspected and copied by either party.

#### R 423.509 Arbitrator; powers and duties.

Rule 9. (1) In addition to the duties specified in act 312, the panel shall do all of the following:

- (a) Obtain a full and complete record.
- (b) Place on the record or state in the award all agreements that are reached between the parties, including portions of any previous labor agreement that the parties adopt as part of their current agreement. The award or record shall contain or identify, by specific reference, the parties' stipulated



settlement of all issues that were not presented for arbitration and indicate how the issues were resolved.

(c) If the parties agree to a hearing extension, the arbitrator shall reduce the agreement to writing, obtain the signatures of both parties, and notify the commission, in writing, with copies, of all written agreements between the parties that extend the arbitration hearing. Except as permitted under section 7a of act 312, MCL 423.237a, the hearing which includes the filing of any posthearing briefs shall not extend beyond 180 days from the start of the scheduling conference.

(d) After a hearing is closed, the hearing may be reopened for good cause shown.

(2) In addition to the powers specified in act 312, the panel may do any of the following:

(a) Rule upon motions and offers of proof, receive relevant evidence, and exclude irrelevant, immaterial, or unduly repetitious evidence.

(b) Question witnesses.

(c) Take depositions or cause depositions to be taken and determine the scope of depositions.

(d) Regulate the date, time, place, and course of the hearings.

(e) Dispose of procedural requests or other similar matters.

(f) Hold conferences during the course of the hearing for the settlement, simplification, or adjustment of the issues by consent of the parties.

(g) Remand the parties to further bargaining with a mediator for a period not to exceed 3 weeks pursuant to section 7a of act 312, MCL 423.237a, if the arbitrator believes it will be conducive to an agreement.

(h) Charge a fee to a party or parties who cancel a hearing date if a cancellation fee is clearly set forth in the arbitrator's resume and made known to the parties at or prior to the scheduling conference.

R 423.510 Rescinded.

R 423.511 Filing of posthearing briefs and proposed findings.

Rule 11. Any party may, upon a request made before the close of the evidentiary hearing, file a posthearing brief or proposed findings and conclusions, or both, at a time fixed by the arbitrator who conducts the hearing. The arbitrator may direct the filing of briefs when considered warranted. The filing of a posthearing brief shall not extend the hearing timeline beyond 180 days from the start of the scheduling conference.

R 423.512 Arbitration panel posthearing conference.

Rule 12. After the close of the hearing and before the rendering of an award, a posthearing conference shall be held at the request of either delegate or the arbitrator. The posthearing conference shall be limited to the delegate of each party and the arbitrator. Any and all matters that have been placed into the record of the hearing may be discussed. The posthearing conference shall not delay the time period specified in section 6 of act 312, MCL 423.235, for making findings of fact, promulgating a written opinion and order, and mailing copies.

R 423.513 Panel findings, opinion, and award.

Rule 13. (1) The impartial arbitrator shall ensure that the final award is subscribed to by a majority of the arbitration hearing panel.

(2) The arbitrator shall notify the parties in writing or via email of an extension of up to 60 additional days for issuance of an award.

(3) The written decision and award of the panel shall contain all of the following information:

(a) The names of both parties.

- (b) The advocates for both parties.
- (c) The names of the members of the arbitration hearing panel.
- (d) Each party's final offer of settlement of the issues in dispute.
- (e) A list of the economic and noneconomic issues in dispute as identified by the arbitration hearing panel.
- (f) A finding of fact and opinion based on the record made before the arbitration hearing panel. The finding of fact and opinion shall include a detailed discussion of the relation of the criteria specified in section 9 of act 312 to both the economic and noneconomic issues.
- (g) The date the decision is rendered.
- (h) The signatures of the panel member or members who approved the award or any of the issues in the award.
- (4) The arbitrator shall serve a copy of the award on each party and send the original and 2 copies of the award, along with an electronic copy of the award, to the commission with the entire record.

R 423.514 Costs.

Rule 14. (1) The parties to a hearing may obtain information with regard to the per diem and other charges of the arbitrator upon filing a request with the commission. An arbitrator shall not charge more than 2 preparation days for each day of hearing without advance permission to do so from the commission or its designee.

(2) The costs of subpoenas and witness fees shall be borne by the party at whose request subpoenas are issued and at whose request witnesses appeared.

(3) A transcript of a deposition may be ordered at the expense of the party who ordered the transcript. The party who requests a deposition shall pay the costs for the court reporter and for a copy of the transcript of the deposition for the arbitration hearing panel record.

(4) The costs listed in this rule are in addition to the costs identified elsewhere in these rules.

R 423.515 Retention and disposal of commission materials.

Rule 15. All documents, records, non-records and other materials, public and nonpublic, official and unofficial, shall be maintained and disposed of using the general and bureau specific retention and disposal schedules pursuant to section 5 of 1913 PA 271, MCL 399.5, and section 491 of the Michigan penal code, 1931 PA 328, MCL 750.491.

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**ADMINISTRATIVE RULES**

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DEPARTMENT OF HUMAN SERVICES

FAMILY PROGRAM POLICY ADMINISTRATION

FOOD ASSISTANCE PROGRAM

Filed with Secretary of State on December 4, 2014

These rules take effect 30 days after filing with the Secretary of State.

(By authority conferred on the department of social services by section 6 of 1930 PA 280, MCL 400.6)

R 400.3001, R 400.3005, R 400.3009, R 400.3010 and R 400.3011 of the Michigan Administrative Code are amended, and R 400.3014 is rescinded as follows:

R 400.3001 Definitions.

Rule 1. As used in these rules:

- (a) "Administrative recoupment" means a process by which a group's benefits are reduced to make payments on an overissuance.
- (b) "Application filing date" means the date that the department receives a signed application document that includes the minimum required information.
- (c) "Collection actions" means the department processes initiated to maximize recovery of overissued benefits.
- (d) "Department" mean the Michigan department of human services.
- (e) "Nonprofit" means tax-exempt under section 501(c)(3) of the internal revenue code of 1986, 26 U.S.C. §501(c)(3).
- (f) "Group living arrangement" has the meaning specified in the food stamp act and nutrition act of 2008, 7 U.S.C. §2012 (i)(7).
- (g) "Overissuance" means an issuance of more benefits than the group is eligible to receive.
- (h) "Per diem" means a daily rate.
- (i) "Recoupment" means a department action to identify and recover a benefit overissuance.
- (j) "Repayment" means an action by a group to pay back benefits received.
- (k) "Substance abuse treatment center (SATC)" means a facility that provides special living arrangements and a complete program for the treatment of addiction to drugs or alcohol, or both.
- (l) "Supplemental nutrition assistance program student status" has the meaning specified in the food and nutrition act of 2008, 7 U.S.C. §2015(e)(1) and (2) and 7 C.F.R. 273.5.
- (m) "Treasury" means the Michigan department of treasury.
- (n) "Verification" means documentation or other evidence to establish the accuracy of a client's verbal or written statements.

R 400.3005 Applications.

Rule 5. The application process shall be completed as specified in the food and nutrition act of 2008, 7 U.S.C. §2020 and 7 C.F.R. §273.2, except as follows:

- (a) An application may be submitted by fax, mail, hand delivered or applied for online on a form prescribed by the department.
- (b) An application may be denied within 30 calendar days from the application filing date if the applicant was interviewed and allowed not less than 10 calendar days to provide requested verifications.
- (c) If an application is denied within 30 calendar days from the application filing date, and the applicant subsequently completes the application requirements within the original 30 calendar days, then benefits shall be provided back to the original date of application if the group is eligible.
- (d) An applicant who fails to contact the department after missing the application interview shall not have a second interview automatically scheduled.

R 400.3009 Child support; good cause claim and determination; exceptions to cooperation requirement.

Rule 9. (1) A client shall take all action required by 1939 PA 280, MCL §400.1 to 400.122 to establish paternity and obtain support.

(2) A client may claim good cause for not taking the action specified in subrule (1) of this rule. Good cause includes any of the following reasons:

- (a) The child entitled to support was conceived due to incest or forcible rape.
- (b) Legal proceedings for the adoption of the child entitled to support are pending before a court.
- (c) A client is currently receiving counseling from a public or licensed private social agency to decide if the child entitled to support should be released for adoption and the counseling has not continued for more than 3 months.
- (d) Physical or emotional harm may result if the client or child has been subject to or is in danger of any of the following:
  - (i) Serious physical harm to the child entitled to support.
  - (ii) Serious physical harm to the client.
  - (iii) Serious emotional harm to the child entitled to support that actually harms the child's ability to function in everyday life.
  - (iv) Serious emotional harm to the client that actually harms the client's capacity to adequately care for the child entitled to support.
- (e) Sexual abuse
- (f) Sexual activity involving a dependent child.
- (g) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities.
- (h) Threats of, or attempts at, physical or sexual abuse.
- (i) Mental abuse.
- (j) Neglect or deprivation of medical care.

(3) A client's cooperation in establishing paternity and obtaining support is not required if good cause exists for not cooperating, but a support action may proceed if the ~~FIA~~ department determines that the action would not endanger the child entitled to support or the client.

(4) If a client is informed of the right to claim good cause and decides to make the claim, -then he or she shall do all of the following:

- (a) Specify the type of good cause.
- (b) Specify the persons covered by the good cause reason.
- (c) Provide written evidence to support the claim within 20 calendar days of filing the claim. The time period shall be extended up to 25 calendar days if the client has difficulty obtaining the evidence.
- (5) The department shall make a good cause determination within 45 calendar days of the client's written claim, unless the client was granted an additional 25-calendar-day extension to the original 20-calendar-day limit and more information is needed that cannot be obtained within the 45-calendar-day limit.

(6) The department shall make a good cause determination based on 1 of the following findings:

- (a) Good cause does not exist and the client must cooperate.
- (b) Good cause does exist and the client's cooperation in obtaining support is not required.
- (c) Good cause does exist, but a support action can proceed without the client and without endangering the client or the child entitled to support.

R 400.3010 Imposition of support disqualification; removal of support disqualification.

Rule 10. (1) Failure to cooperate in obtaining support without good cause shall result in disqualification and a minimum of a 1-month period of ineligibility for the person who failed to cooperate.

(2) The remaining group members may receive full program benefits, if eligible.

(3) If the family independence program (FIP) closes due to child support non-cooperation, the last FIP grant is budgeted in the FAP budget for 1 month.

(4) The noncooperative person shall remain disqualified until he or she cooperates and takes action to establish paternity or obtain support.

R 400.3011 Benefit overissuance collection and repayment actions.

Rule 11. (1) The department shall seek recoupment of food assistance program (FAP) benefit overissuances from active or inactive FAP groups by cash repayment or benefit reduction through administrative recoupment processes.

(2) The department shall seek recoupment of benefit overissuances from any adult who was a group member when the overissuance occurred.

(3) If the overpaid FAP group did not include a qualified or disqualified adult at the time of the overissuance, then a collection action will not be initiated unless the overissuance was established through court action or by obtaining a signed repayment agreement.

(4) The department shall recoup overissuances to active FAP cases through benefit reduction, unless cash payments are ordered by a court.

(5) If an overissuance is not paid in full, then FAP benefits will be reduced by the percentage specified in the food and nutrition act of 2008, 7 U.S.C. §2022(b).

(6) If a court orders cash repayment and the active FAP client does not make regular cash payments, then the department shall change the collection method to benefit reduction.

(7) Local department offices may pursue collection from estates through probate court claim action for a person who dies and has an overissuance balance.

(8) A payment received as restitution under the terms of probation will reduce the balance owed, but the completion of the probation period or the performance of a requirement of probation does not reduce the amount owed in excess of the actual dollar amount paid toward the overissuance.

R 400.3014 Rescinded.

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**ADMINISTRATIVE RULES**

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PAYMENT OF WAGES AND FRINGE BENEFITS

Filed with the Secretary of State on December 5, 2014

These rules take effect 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 9 and 12 of 1978 PA 390, MCL 408.479 and MCL 408.482, section 6 of 2014 PA 138, MCL 408.416, and Executive Reorganization Order Nos. 1996-2, 1997-11, 2002-1, and 2003-1, MCL 445.2001, 421.94, and 445.2004, and 445.2011)

R 408.9002, R 408.9012, R 408.9019, R 408.9026, R 408.9027, R 408.9028, and R 408.9034 of the Michigan Administrative Code are amended, and R 408.9036 is added to the Code, to read as follows:

R 408.9002 Definitions; A to I. Rule 2. (1) As used in these rules:

(a) "Act" means 1978 PA 390, MCL 408.471 to 408.490, and known as the payment of wages and fringe benefits act.

(b) "Complainant" means an employee who submits a written complaint alleging a violation of the act and who provides the information required by the department.

(c) "Department" means the department of licensing and regulatory affairs.

(d) "Voluntary payment in full" means either of the following:

(i) Payment of wages and fringe benefits claimed before the issuance of a departmental determination.

(ii) Payment of the full amount of wages and fringe benefits due, plus the 10% per annum penalty and any exemplary damages assessed within 14 days of the date of the determination. If the last day of the 14-day period is a Saturday, Sunday, or a state holiday, then that day is excluded and the period extends until the end of the next day that is not a Saturday, Sunday, or state holiday.

(2) As used in the act:

(a) "Administrative capacity" means an employee to whom all of the following apply:

(i) Is compensated on a salary basis at not less than \$455.00 per week.

(ii) Has the primary duty of performing office or non-manual work that is directly related to the management or general business operations of the employer.

(iii) Uses discretion and independent judgment in matters of significance.

(b) "An employee employed in a bona fide executive capacity" means an employee to whom all of the following apply:

(i) Compensation is on a salary basis at not less than \$455.00 per week.

(ii) The employee's primary duty is management.

(iii) The employee supervises 2 or more employees.

(c) "An employee employed in a bona fide professional capacity" means an employee who is compensated on a salary or fee basis at not less than \$455.00 per week and whose primary duty is any of the following:

- (i) Work in a field of science or learning that requires knowledge acquired by a prolonged course of specialized instruction.
- (ii) Work in a recognized field of artistic endeavor that depends upon the talent of the employee.
- (iii) Work in an educational institution as a teacher, tutor, instructor, or lecturer.
- (d) "Bonus" means a premium or extra or irregular remuneration in addition to wages that is awarded to an employee under a written contract or written policy.
- (e) "Director" means the director of the department or his or her authorized representative.
- (f) "Informally resolve" means any of the following:
  - (i) Voluntary payment in full as defined in R 408.9002.
  - (ii) A settlement agreement as described in R 408.9026.
  - (iii) Withdrawal of the complaint as described in R 408.9027.
  - (iv) Dismissal of the complaint due to lack of jurisdiction, as described in R 408.9036.

R 408.9012 Statement of hours worked and pay earned; records.

Rule 12. (1) An employer shall furnish each employee with a statement of the information required by section 9(2) of the act in a retainable form.

(2) The employment records for each employee shall include total daily hours worked showing and the starting and ending times each day, computed to the nearest tenth of an hour, or other finer measure.

R 408.9019 Acceptance of complaints by department.

Rule 19. The department shall accept a complaint form or other written statement received by the department from an employee for work performed in Michigan which provides all of the following:

- (a) Name and address of complainant.
- (b) Name and address of employer who is alleged to have committed the violation.
- (c) The date or dates the violation is alleged to have occurred.
- (d) An estimate of the amount of wages or fringe benefits claimed.

R 408.9026 Settlement agreement.

Rule 26. (1) A complaint may be informally resolved by a written settlement agreement that specifies all of the following:

- (a) The amount of payment agreed to.
- (b) The terms of payment agreed to.
- (c) The date payment is due.
- (d) A waiver of all rights to contest the amount due.
- (2) The settlement agreement shall be signed by both of the following entities:
  - (a) The complainant.
  - (b) The employer or the employer's representative.

R 408.9027 Withdrawal of complaints; request to cease enforcement of order.

Rule 27. (1) A person who has filed a complaint with the department may withdraw the complaint at any time before issuance of a departmental determination.

(2) At any time after a departmental determination has been issued, a complainant may, in writing, request the department to cease enforcement of an order. For an order less than \$30.00, written requests shall not be required.

R 408.9028 Departmental determination.

Rule 28. (1) A departmental determination shall contain all of the following, if applicable: (a) The name of the complainant.

- (b) The name of the employer.
- (c) The findings of the department.
- (d) A citation to the sections of the act violated, if any.
- (e) An order for the payment of wages or fringe benefits due, if any, plus a 10% per annum penalty.
- (f) An assessment of the civil penalties, if any, and the basis for the assessment.
- (g) An assessment of exemplary damages, if any, and the basis for the assessment. (2) The department shall provide copies of the determination to the employer, the complainant, and designated legal representatives.

R 408.9034 Assessment of exemplary damages.

Rule 34. (1) The department shall order an employer who has violated section 2, 3, 4, 5, 6, 7, or 8 of the act to pay exemplary damages to the employee in either of the following situations:

- (a) If the employer was previously found to have violated the same section of the act against the same employee at any time within 12 months before the occurrence of the violation.
  - (b) If the department determines that the act was deliberately and knowingly violated.
- (2) The department may assess exemplary damages at not more than twice the amount of wages and fringe benefits which were due and shall be paid to the employee.

R 408.9036 Lack of jurisdiction.

Rule 36. The following complaints shall be dismissed:

- (a) A complaint alleging violation of sections 2 to 10 and 13a of the act, if the filing date is more than 12 months after the date the violation is alleged to have occurred.
- (b) An employee discrimination complaint alleging violation of section 13(2) of the act, if the filing date is more than 30 days after the date the violation is alleged to have occurred.
- (c) A complaint involving fringe benefits not defined under section 1(e) of the act.
- (d) A complaint involving employment in the classified state civil service system.
- (e) A complaint involving railroad employees covered by the railway laborers act.
- (f) A complaint for which a civil action is filed by the claimant or for which there is a civil judgment that includes the same wages or fringe benefits claimed with the department.
- (g) A complaint alleging either of the following:
  - (i) A claim period covered by a discharge of debt.
  - (ii) Non-payment of wages or fringe benefits earned prior to the filing of a bankruptcy petition or reorganization plan.
- (h) A complaint for wages or fringe benefits earned by an employee of an employer not identified in section 1(d) of the act, including any of the following:
  - (i) The United States postal service. (ii) A foreign government.
  - (iii) Employment by an Indian tribe on a reservation or tribal land.
  - (iv) An employee subject to the regulations of the United States office of personnel management, formerly known as the United States civil service commission.
- (i) A complaint requiring the enforcement or interpretation of a fringe benefit provision of a private sector collective bargaining agreement.
- (j) A complaint filed for 1 of the following:
  - (i) Work performed outside of Michigan for an employer outside of Michigan.
  - (ii) Work performed in Michigan at a fixed site for an employer outside of Michigan subject to the jurisdiction of another state's wage protection law and that state asserts jurisdiction.
  - (iii) Work performed outside of Michigan for an employer located in Michigan.
- (k) A complaint filed for monies deducted for taxes.



- (l) A complaint filed for deductions required or expressly permitted by law.
- (m) A complaint that alleges wages or fringe benefits earned by an employee, who has agreed to arbitrate compensation disputes under the authority of the federal arbitration act.
- (n) A complaint that alleges wages or fringe benefits earned by an employee who has given contractual assent, not just a policy acknowledgement, to arbitration by the American arbitration association (aaa) for the issue or issues identified in the complaint.
- (o) A complaint that alleges wages or fringe benefits earned by a public employee, who has a case pending, determination from, or files a case with the Michigan employment relations commission (merc) under the public employment relations act (pera) for the issue or issues identified in the complaint.

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**ADMINISTRATIVE RULES**

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DEPARTMENT OF NATURAL RESOURCES

LAW ENFORCEMENT DIVISION

VESSELS CARRYING PASSENGERS FOR HIRE

Filed with the Secretary of State on December 4, 2014

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of natural resources by section 44504 of 1994 PA 451, MCL 324.44504)

R 281.3105, R 281.3106, R 281.3201, R 281.3301, R 281.3401, and R 281.3502, of the Michigan Administrative Code are rescinded, and R 281.3101 and R 281.3113, of the Michigan Administrative Code are amended, as follows:

PART 1. GENERAL PROVISIONS

R 281.3101 Definitions.

Rule 101. As used in these rules:

- (a) "Act" means 1994 PA 451, MCL 324.44501 to 324.44526.
- (b) "Auxiliary engine" means any other engine or motor carried or used onboard a vessel, other than the main propulsion engines.
- (c) "Class A vessel" means a vessel, except for a sailboat carrying 6 or fewer passengers for hire, on navigable waters.
- (d) "Class B vessel" means a vessel, except for a sailboat carrying 6 or fewer passengers for hire, on inland waters.
- (e) "Class C vessel" means a vessel, except for a sailboat carrying more than 6 passengers for hire, on inland waters.
- (f) "Class D vessel" means a vessel which is propelled primarily by sails and which carries 6 or fewer passengers for hire on navigable waters or carries passengers for hire on inland waters.
- (g) "Daytime" means 1 hour before sunrise to 1 hour after sunset, where the actual times of sunrise and sunset are determined by the United States weather bureau. Times shall be local prevailing time.
- (h) "Deck rails" means a guard structure at the outer edge of a vessel deck consisting of vertical solid or tubular posts and horizontal courses made of metal tubing, wood, cable, rope, or other suitable material.
- (i) "Department" means the department of natural resources.
- (j) "Dockside inspection" means an examination of a vessel when the vessel is moored alongside a dock and afloat in the water so that all of the exterior above the waterline and the interior of the vessel may be examined.
- (k) "Drydock inspection" means an examination of a vessel when the vessel is out of the water and supported so that all of the exterior and interior of the vessel may be examined.

(l) "Flexible vibration hose" means nonrigid tubing which is noncombustible or self-extinguishing and which is not affected by the motion of the vessel or the machinery to which it is connected or attached.

(m) "General maintenance" means drydocking or hauling out of a vessel for painting or cleaning the hull and rudder, or the changing of a propeller, propeller shaft, and associated bearings.

(n) "Good marine practice and standards" means those methods and ways of maintaining, operating, equipping, repairing, and restructuring vessels as determined by the marine inspector. The marine inspector shall use commonly accepted standards, including 46 C.F.R. SS1.01 to 552.5, the standards of the American boat and yacht council, and the standards of the boating industry association as sources of reference in making such determinations.

(o) "Inland waters" means all waters of the state, except navigable waters.

(p) "Marine inspector" means a department marine safety officer, conservation officer, or other person employed by the department and trained in vessel inspection and operator testing procedures.

(q) "Navigable waters" means those waters of the state over which the state of Michigan and the United States coast guard exercise joint jurisdiction, including the Great Lakes and waters connected thereto, to the upstream limit of navigation as determined by the United States department of the army, corps of engineers.

(r) "Nighttime" means 1 hour after sunset to 1 hour before sunrise where actual times of sunrise and sunset are determined by the United States weather bureau. Time shall be local prevailing time.

(s) "Open boat" means a vessel, either with or without engines or motors, which has its engine, fuel tank compartments, and other spaces, except weather enclosures, open to the atmosphere and arranged to prevent or preclude the entrapment of explosive or flammable gases and vapors within the vessel.

(t) "Owner" means a person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him or her to possession. "Owner" also means a person acting on the behalf of the owner in all matters concerning the vessel.

(u) "Personal flotation device" means a United States coast guard-approved lifesaving device.

(v) "Ring life buoy" means a United States coast guard-approved round or horse collar type IV throwable personal flotation device.

(w) "Suitable" means that the marine inspector has determined that an item is in keeping with good marine practice and standards.

(x) "Weather deck" means those portions of the foredeck and afterdeck which are open and exposed to the weather.

R 281.3105 Rescinded.

R 281.3106 Rescinded.

R 281.3113 Vessel passenger capacity; determination.

Rule 113. (1) On vessels that do not have or are not required to have a vessel capacity plate, the maximum passenger capacity shall be determined by applying any 1 of the following criteria which results in the allowance of the greatest number of passengers.

(a) One passenger per 30 inches of rail space available to passengers at the vessel's sides and across the transom.

(b) One passenger per 10 square feet of deck area available for passenger use. In computing the deck area, the areas occupied by concession stands, toilets and washrooms, companionways, and stairways shall be excluded.

(c) One passenger per 18 inches of width of fixed seating provided.

(2) On vessels that have or are required to have vessel capacity plates, the passenger capacity shall be determined by applying either of the following criteria which results in the allowance of the greatest number of persons without exceeding the capacity plate maximums:

- (a) Weight capacity minus maximum motor and gear weight:  $185 = \text{number of passengers}$ .
- (b) Boat length times boat beam :  $15 = \text{number of passengers}$ .

#### PART 2. CLASS A VESSELS

R 281.3201 Rescinded.

#### PART 3. CLASS B VESSELS

R 281.3301 Rescinded.

#### PART 4. CLASS C VESSELS

R 281.3401 Rescinded.

#### PART 5. CLASS D VESSELS

R 281.3502 Rescinded.

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**ADMINISTRATIVE RULES**

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DEPARTMENT OF COMMUNITY HEALTH

BUREAU OF LEGAL AFFAIRS

EMERGENCY MEDICAL SERVICES - LIFE SUPPORT AGENCIES & MEDICAL  
CONTROL

Filed with the Secretary of State on December 9, 2014

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306, Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of community health by section 209010 of 1978 PA 368, MCL 333. 209010, and Executive Reorganization Order Nos. 1996-1, 1996-2, and 2003-18, MCL 330.3101, 445.2001, and 445.2011)

R 325.22112 of the Michigan Administrative Code is amended as follows:

R 325.22112 Patient destination; transporting agencies.

Rule 112. (1) An ambulance operation, both ground and rotary, shall transport an emergency patient only to an organized emergency department located in and operated by 1 of the following:

- (a) A hospital licensed under part 215 of the code. ~~or to~~
- (b) A freestanding surgical outpatient facility licensed under part 208 of the code that operates a service for treating emergency patients 24 hours a day, 7 days a week, and complies with medical control authority protocols.:
- (c) An off-campus emergency department of a hospital licensed under part 215 of the code, if the off-campus emergency department is available for treating emergency patients 24 hours a day, 7 days a week, complies with medical control authority protocols, and has obtained provider-based status under 42 CFR 413.65.

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**ADMINISTRATIVE RULES**

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

LIQUOR CONTROL COMMISSION

ADVERTISING

Filed with the Secretary of State on December 5, 2014

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the liquor control commission by section 215(1) of 1998 PA 58, MCL 436.1215(1), and Executive Reorganization Order No. 2011-4, MCL 445.2030)

R 436.1321 of the Michigan Administrative Code is amended to read as follows:

R 436.1321 Contests and advertising articles.

Rule 21. (1) There shall not be advertising of alcoholic liquor connected with offering a prize or award on the completion of a contest, except upon prior written approval of the commission.

(2) Advertising material which does not contain the name of a retail licensee and does not have a secondary value, but explains the production, sale, or consumption of alcoholic liquor may be published and distributed in this state.

(3) Alcoholic liquor recipe literature which does not contain the name of a retail licensee may be published and distributed in this state.

(4) All gambling devices, including punch boards and games of any description used for advertising purposes, are prohibited.

(5) A manufacturer, an outstate seller of beer, an outstate seller of wine, or a wholesaler may sell novelty items bearing brand logo type, upon written order of the commission. These novelty items shall not be sold below their cost by the manufacturer, outstate seller of beer, outstate seller of wine, or wholesaler.

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**ADMINISTRATIVE RULES**

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DEPARTMENT OF NATURAL RESOURCES

MACKINAC ISLAND STATE PARK COMMISSION

GENERAL RULES

Filed with the Secretary of State on December 4, 2014

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the Mackinac Island state park commission by sections 76504 and 76901 of 1994 PA 451, MCL 324.76504 and 324.76901)

R 318.111, R 318.122, R 318.143, R 318.145, and R 318.146 of the Michigan Administrative Code are amended as follows:

PART 1. DEFINITIONS

R 318.111 Definitions.

Rule 1. As used in these rules:

(a) "Carrying passengers for hire" means the acts of any person transporting passengers to any point or points on the road or roads for a specified monetary consideration or acts of accepting gratuities for transporting passengers to any point or points on the road or roads.

(b) "Commercial operations" means any activity that involves, directly or indirectly, the buying or selling of goods or services, or the exchange or attempt or offer to exchange goods or services for money, barter, by accepting gratuities, or for anything of value.

(c) "Commission" means the Mackinac Island state park commission.

(d) "Director" means the director of the Mackinac Island state park commission.

(e) "Drays" means any horse-drawn vehicle used for the transportation of property, goods, or merchandise, either belonging to the owner of the dray or to others, with or without charge, whether the charge is a single fee or is established by contract.

(f) "Drive yourself carriage" means any horse-drawn vehicle for hire that is rented to another person or persons without the services of a driver being employed, engaged, provided, or suggested by the owner or operator of the carriage.

(g) "Fort Mackinac bus" means any horse-drawn vehicle used for the transportation of passengers only from the downtown area directly to Fort Mackinac and return.

(h) "Hotel bus" means a horse-drawn vehicle which is licensed to a specific hotel, which operates over the roads of the Mackinac Island state park, and which does all of the following:

(i) Carries hotel passengers or their guests for a charge as approved by the Mackinac Island state park commission.

(ii) Operates on a fixed route or routes as designated by the Mackinac Island state park commission.

(iii) Makes infrequent deviations from the designated route or routes for the convenience of hotel guests or their party.

(i) "Livery carriage" means any horse-drawn vehicle for hire transporting passengers for scenic drives charging on a time basis; that is, by the hour or fractions or multiples thereof, and not at a fixed price per passenger.

(j) "Motor vehicle" means any device that is self-propelled, or partially self-propelled, by which a person or property may be transported or drawn. This does not include personal assistive mobility devices.

(k) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(l) "Road" means any thoroughfare, roadway, riding trail, or driving trail that is situated on lands that are under the jurisdiction of the commission.

(m) "Saddle horse" means a riding horse furnished to a visitor or resident, for a period of time less than 1 week, for use in Mackinac Island State Park at a rental fee, whether that fee is separately identified or included in other charges, such as room rentals, either explicitly or implicitly.

(n) "Sight-seeing carriage" means any horse-drawn vehicle that carries passengers for hire over prescribed routes established by the commission.

(o) "Snowmobile" means a motor-driven vehicle designed for travel primarily on snow or ice of a type that utilizes sled-type runners or skis, or an endless belt tread, or any combination of these, or other similar means of contact with the surface upon which it is operated. It is not a vehicle that must be registered under 1949 PA 300, MCL 257.1 to 257.923.

(p) "State license identification plate" means a metallic plate issued by the commission that bears the license type, the year for which the plate is valid, a unique number, and any other information as determined by the commission.

(q) "Taxicab" means any horse-drawn vehicle carrying passengers for hire from 1 point on the island to another.

(r) "Personal assistive mobility device" (PAMD) means any battery powered mobility device that is used by a person with a mobility impairment for ambulation. This does not include gasoline or other fuel powered devices, golf carts, riding lawn mowers, motorized bicycles, motorcycles, motorized skateboards, or other similar motorized vehicles.

(s) "Marquette Park" is that portion of Mackinac Island State Park bounded on the south by Main Street, on the west by Fort Street, on the east by the leasehold commonly known as Anne's Cottage, and on the north by the bluff below Fort Mackinac.

## PART 2. REGULATIONS

### R 318.122 Temporary permits.

Rule 22. (1) A person shall not operate a motor vehicle within the Mackinac Island state park without a temporary permit. The commission, or its duly authorized agent, shall issue a temporary permit for the operation of motor vehicles for emergency or public and private work as the commission shall prescribe and approve. An application for a temporary permit shall be submitted in writing to the commission or its duly authorized agent and shall set forth fully the reasons for the request and the period of the permit. The commission may require property damage and public liability insurance of any applicant in an amount sufficient, in its judgment, for adequate protection of persons and property. The director shall keep a written record of all permits issued, and the commission may revoke any permit at any time, giving notice in writing to the permit holder, and setting forth the reasons for the revocation. Persons with disabilities that rely on personal assistive mobility devices are not subject to



this subrule and may operate their devices without permit in all properties under the jurisdiction of the Mackinac Island State Park Commission.

(2) The state of Michigan or any of its political subdivisions may operate its emergency and utility vehicles over the Mackinac Island state park roads in the normal performance of its governmental functions.

R 318.143 Camping and hunting.

Rule 43. (1) A person shall not camp within the Mackinac Island state park, Historic Mill Creek state park, or Michilimackinac state park.

(2) A person shall not hunt in Mackinac Island state park or Michilimackinac state park.

R 318.145 Vehicles and animals.

Rule 45. (1) A person shall not operate a motor vehicle in other than an area or road clearly designated for the parking or operation of motor vehicles without proper permission. Persons with disabilities that rely on personal assistive mobility devices are not subject to this subrule and may operate their vehicles without permit in all properties under the jurisdiction of the Mackinac Island State Park Commission.

(2) A person shall not ride or lead a horse, other riding animal, or pack animal on, or to allow such animal or any animal-drawn vehicle to use or travel on, any areas deemed unsafe for such use by order of the commission and posted against such use.

(3) A person shall not possess a dog unless it is under immediate control, or have a dog within any area used as a bathing beach. A dog found not in the possession or under the immediate control of its owner or the owner's agent, or any dog found creating a nuisance or disturbance, may be removed from the park or placed under restraint.

R 318.146 Miscellaneous unlawful acts.

Rule 46. On lands under the jurisdiction of the commission, it is unlawful for a person or persons to do any of the following:

(a) Use the lands for commercial operations without proper permission. In considering whether to grant permission, the commission shall consider all of the following factors:

(i) Interference with the safety, health, and welfare of the public.

(ii) Need for the service.

(iii) Whether the service is a duplication of available services.

(b) Use a loudspeaker or public address system without proper permission. The commission shall not grant permission if the system is capable of interfering with horse-drawn traffic by having the effect of frightening horses, thereby endangering the safety of passengers in the vehicles, pedestrians, bicycle riders, and others.

(c) Store or leave a boat, fish shanty, camping equipment, or other property without proper permission.

(d) Enter those buildings or areas to which an admission fee is established without payment of the fee, or without permission given by the commission, a commissioner, the director, or deputy director under order of the commission. Permission normally is to be given only to persons on business with the commission, any member of the commission, or any duly authorized staff member.

(e) For any lessee, licensee, or concessionaire to use, construct, or occupy any building within the park that is not furnished with an approved dry chemical fire extinguisher.

(f) For any lessee, licensee, or concessionaire to exercise his or her privileges within the park without procuring and keeping in effect public liability and property damage insurance as the commission may deem adequate.

(g) For any person to furnish a saddle horse to another person for use in the Mackinac Island state park, unless a current license has been issued by the commission for the use of the saddle horse in the Mackinac Island state park.

(h) Engage in any violent, abusive, loud, boisterous, wanton, obscene, or otherwise disorderly conduct creating a breach of the peace; loiter, sit, or lie upon walks, passages, steps, or porches thereby obstructing the free passage of others; or remove, damage, or steal the property of another.

(i) Hold or participate in any type of road race or speed contest without proper permission.

(j) Conduct excavations, diggings, or surveys without proper permission.

(k) Carry or possess a metal detector without proper permission.

(l) Remove any archeological materials or artifacts without proper permission.

(m) Possess or consume alcoholic beverages in Marquette Park between the hours of 10:00 p.m. and 8:00 a.m.

(n) Do any of the following without proper permission:

(i) Carry or possess a firearm unless unloaded in both barrel and magazine. Persons with valid Michigan Concealed Pistol licenses are not subject to this rule.

(ii) Shoot an air rifle, air pistol, paintball-emitting device of any kind, or slingshot.

(iii) Shoot a bow and arrow or crossbow.

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**ADMINISTRATIVE RULES**

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR’S OFFICE

CONSTRUCTION SAFETY STANDARDS

Filed with the Secretary of State on December 9, 2014

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154, MCL 408.1019 and 408.1021 and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.41001a and R 408.41016d of the Michigan Administrative Code are amended, and R 408.41003f is added, as follows:

**PART 10. LIFTING AND DIGGING EQUIPMENT**

R 408.41001a Scope.

Rule 1001a. (1) This standard applies to power operated equipment, when used in construction, that can hoist, lower, and horizontally move a suspended load. This equipment includes, but is not limited to, any of the following:

- (a) Articulating cranes, such as knuckle-boom cranes.
- (b) Crawler cranes.
- (c) Floating cranes.
- (d) Cranes on barges.
- (e) Locomotive cranes.
- (f) Mobile cranes, such as wheel-mounted, rough-terrain, all-terrain, commercial truck-mounted, and boom truck cranes.
- (g) Multi-purpose machines when configured to hoist and lower by means of a winch or hook and horizontally move a suspended load.
- (h) Industrial cranes, such as carrydeck cranes.
- (i) Dedicated pile drivers.
- (j) Service/mechanic trucks with a hoisting device.
- (k) Crane on a monorail.
- (l) Tower cranes, such as a fixed jib, “hammerhead boom”, luffing boom, and self-erecting.
- (m) Pedestal cranes.
- (n) Portal cranes.
- (o) Overhead and gantry cranes.
- (p) Straddle cranes.
- (q) Sideboom cranes.

- (r) Derricks.
  - (s) Material and personnel hoists.
  - (t) Helicopter cranes, elevators, and excavation equipment and variations of such equipment.
  - (2) Attachments. This standard applies to equipment included in subrule (1) of this rule when used with attachments. These attachments, whether crane-attached or suspended include, but are not limited, to, any of the following:
    - (a) Hooks.
    - (b) Magnets.
    - (c) Grapples.
    - (d) Clamshell buckets.
    - (e) Orange peel buckets.
    - (f) Concrete buckets.
    - (g) Drag lines.
    - (h) Personnel platforms.
    - (i) Augers or drills.
    - (j) Pile driving equipment.
  - (3) Exclusions. This standard does not cover any of the following:
    - (a) Machinery included in subrule (1) of this rule while it has been converted or adapted for a non-hoisting or lifting use. These conversions or adaptations include, but are not limited, to, any of the following:
      - (i) Wheel loaders and backhoes.
      - (ii) Loader backhoes.
      - (iii) Track loader.
      - (iv) Concrete pumps.
- This machinery is also excluded when used with chains, slings, or other rigging to lift suspended loads.
- (b) Automotive wreckers and tow trucks when used to clear wrecks and haul vehicles.
  - (c) Digger derricks used in work subject to Construction Safety Standard Part 16 “Power Transmission and Distribution,” shall comply with General Industry Safety Standard Part 86 “Electric Power Generation, Transmission and Distribution.” Digger derricks used in construction work for telecommunication service (as defined at Construction Safety Standard Part 30 “Telecommunications,” 1910.268(s)(40)) shall comply with Construction Safety Standard Part 30 “Telecommunications.” These rules are referenced in R 408.41003a.
  - (d) Machinery originally designed as vehicle-mounted aerial devices for lifting personnel and self-propelled elevating work platforms.
  - (e) Telescopic or hydraulic gantry systems.
  - (f) Stacker cranes.
  - (g) Powered industrial trucks, such as, forklifts, except when configured to hoist and lower by means of a winch or hook and horizontally move a suspended load.
  - (h) Mechanic’s truck with a hoisting device when used in activities related to equipment maintenance and repair.
  - (i) Machinery that hoists by using a come-a-long or chainfall.
  - (j) Dedicated drilling rigs.
  - (k) Gin poles when used for the erection of communication towers.
  - (l) Tree trimming and tree removal work.
  - (m) Anchor handling or dredge-related operations with a vessel or barge using an affixed A-frame.
  - (n) Roustabouts.
  - (o) Any of the following material delivery:

(i) Articulating knuckle-boom truck cranes that deliver material to a construction site when used to transfer materials from the truck crane to the ground, without arranging the materials in a particular sequence for hoisting.

(ii) Articulating knuckle-boom truck cranes that deliver material to a construction site when the crane is used to transfer building supply sheet goods or building supply packaged materials from the truck crane onto a structure, using a fork or cradle at the end of the boom, but only when the truck crane is equipped with a properly functioning automatic overload prevention device. These sheet goods or packaged materials include, but are not limited to, sheets of sheet rock, sheets of plywood, bags of cement, sheets or packages of roofing shingles, and rolls of roofing felt.

(iii) This exclusion shall not apply under any of the following circumstances:

(A) The articulating knuckle-boom crane is used to hold, support, or stabilize the material to facilitate a construction activity, such as holding material in place while it is attached to the structure.

(B) The material being handled by the articulating knuckle-boom crane is a prefabricated component. Prefabricated components include, but are not limited to, precast concrete members or panels, roof trusses constructed of wood, cold formed metal, steel, or other materials, prefabricated building sections such as, but not limited to, floor panels, wall panels, roof panels, roof structures, or similar items.

(C) The material being handled by the crane is a structural steel member, for example, steel joists, beams, columns, bundled or unbundled steel decking or a component of a systems-engineered metal building, as defined in Construction Safety Standard Part 26 “Steel Erection,” as referenced in R 408.41003a.

(D) The activity is not specifically excluded under R 408.41001a(3)(o)(i) and (ii).

(4) All rules of this part apply to the equipment covered by this standard unless specified otherwise.

(5) The duties of controlling entities under this standard include, but are not limited to, the duties specified in R 408.41017a(2), R 408.41017a(4), and R 408.41022a(2).

(6) Where provisions of this standard direct an operator, crewmember, or other employee to take certain actions, the employer shall establish, effectively communicate to the relevant persons, and enforce, work rules to ensure compliance with the provisions.

(7) For work involving power transmission and distribution, compliance with Construction Safety Standard Part 16 “Power Transmission and Distribution,” is deemed compliance with R 408.41016a to R 408.41016e.

(8) R 408.41017a does not apply to cranes designed for use on railroad tracks, when used on railroad tracks that are part of the general railroad system of transportation that is regulated under the Federal Railroad Administration under 49 C.F.R. part 213, “Track Safety Standards,” as referenced in R 408.41003f, and that comply with applicable Federal Railroad Administration requirements. See R 408.41017a(5).

R 408.41003f. Adopted standard from United States department of transportation.

Rule 1003f. The provisions of 49 C.F.R. Part 213 “Track Safety Standards,” are adopted by reference in these rules. This standard is available from the United States Government Printing Office, Electronic Code of Federal Regulations, web-site: [www.ecfr.gov](http://www.ecfr.gov); at no charge as of the time of adoption of these rules.

R 408.41016d Power line safety for all voltages for equipment operations closer than Table A zone.

Rule 1016d. Equipment operations in which any part of the equipment, load line, or load, including rigging and lifting accessories, is closer than the minimum approach distance under Table A in

R 408.41016b to an energized power line shall be prohibited, except where the employer demonstrates that all of the following requirements are met:

(a) The employer determines that it is infeasible to do the work without breaching the minimum approach distance under Table A in R 408.41016b.

(b) The employer determines that, after consultation with the utility owner or operator, it is infeasible to deenergize and ground the power line or relocate the power line.

(c) All of the following apply to minimum clearance distances:

(i) The power line owner or operator or registered professional engineer, who is a qualified person with respect to electrical power transmission and distribution, determines the minimum clearance distance that shall be maintained to prevent electrical contact in light of the on-site conditions. The factors that shall be considered in making this determination include, but are not limited to the following:

(A) Conditions affecting atmospheric conductivity.

(B) Time necessary to bring the equipment, load line, and load, including rigging and lifting accessories, to a complete stop.

(C) Wind conditions.

(D) Degree of sway in the power line.

(E) Lighting conditions.

(F) Other conditions affecting the ability to prevent electrical contact.

(ii) Subdivision (c)(i) of this subrule does not apply to work covered by construction safety standard Part 16 “Power Transmission and Distribution,” (CS Part 16) as referenced in R 408.41003a. For such work, the minimum approach distances established by the employer as specified in CS Part 16 apply.

(d) A planning meeting with the employer and utility owner or operator, or registered professional engineer who is a qualified person with respect to electrical power transmission and distribution, is held to determine the procedures that will be followed to prevent electrical contact and electrocution. At a minimum these procedures shall include all of the following:

(i) If the power line is equipped with a device that automatically reenergizes the circuit in the event of a power line contact, before the work begins, the automatic reclosing feature of the circuit interrupting device shall be made inoperative if the design of the device permits.

(ii) Use a dedicated spotter as specified in R 408.41016a(2)(c)(i).

(iii) Use of an elevated warning line or barricade that is not attached to the crane in view of the operator, either directly or through video equipment, and equipped with flags or similar high-visibility markings to prevent electrical contact. This provision does not apply to work covered by construction safety standard Part 16 “Power Transmission and Distribution,” as referenced in R 408.41003a.

(iv) All of the following apply to an insulating link or device:

(A) An insulating link or device shall be installed at a point between the end of the load line, or below, and the load.

(B) For work covered by Construction Safety Standard Part 16 “Power Transmission and Distribution,” as referenced in R 408.41003a, the requirement in subdivision (d)(iv)(A) of this subrule ~~shall~~ apply only when working inside the CS Part 16 Table 1 clearance distances.

(C) [Reserved.]

(D) Until November 8, 2013, the following procedure may be substituted for the requirement in subdivision (d)(iv)(A) of this subrule:

(I) The employer shall use a link or device manufactured on or before November 8, 2011 that meets the definition of an insulating link or device, except that it has not been approved by a nationally recognized testing laboratory, and is maintained, used, and installed pursuant to manufacturer requirements and recommendations at a point between the end of the load line, or below, and the load.

(II) All employees, excluding equipment operators located on the equipment, who may come in contact with the equipment, the load line, or the load shall be insulated or guarded from the equipment, the load line, and the load through an additional means other than the device described in subdivision (d)(iv)(D)(I) of this subrule. Insulating gloves rated for the voltage involved are adequate additional means of protection for the purposes of this subrule.

(v) Use of nonconductive rigging if the rigging may be within the minimum clearance distances during operation, as specified in Table A in R 408.41016b.

(vi) If the equipment is equipped with a device that automatically limits range of movement, it shall be used and set to prevent any part of the equipment, load line, or load, including rigging and lifting accessories, from breaching the minimum approach distance established under subdivision (c) of this subrule.

(vii) If a tag line is used, it shall be of the nonconductive type.

(viii) Use of barricades forming a perimeter at least 10 feet away from the equipment to prevent unauthorized personnel from entering the work area. In areas where obstacles prevent the barricade from being at least 10 feet away, the barricade shall be as far from the equipment as feasible.

(ix) Workers other than the operator shall be prohibited from touching the load line above the insulating link or device and crane. Operators who remotely operate the equipment from the ground shall use either wireless controls that isolate the operator from the equipment or insulating mats that insulate the operator from the ground.

(x) Only personnel essential to the operation may be in the area of the crane and load.

(xi) The equipment shall be properly grounded.

(xii) Insulating line hose or cover-up shall be installed by the utility owner or operator except where such devices are unavailable for the line voltages involved.

(e) The procedures developed to comply with subdivision (d) of this subrule are documented and immediately available on-site.

(f) The equipment user and utility owner or operator, or registered professional engineer shall meet with the equipment operator and the other workers who will be in the area of the equipment or load to review the procedures that will be implemented to prevent breaching the minimum approach distance established in subdivision (c) of this subrule and prevent electrocution.

(g) The procedures developed to comply with subdivision (d) of this subrule are implemented.

(h) The utility owner or operator, or registered professional engineer and all employers of employees involved in the work shall identify 1 person who will direct the implementation of the procedures. The person identified in accordance with this subrule shall direct the implementation of the procedures and shall have the authority to stop work at any time to ensure safety.

(i) [Reserved.]

(j) If a problem occurs implementing the procedures being used to comply with subdivision (d) of this subrule, or indicating that those procedures are inadequate to prevent electrocution, the employer shall safely stop operations and either develop new procedures to comply with subdivision (d) of this subrule or have the utility owner or operator deenergize and visibly ground or relocate the power line before resuming work.

(k) Devices originally designed by the manufacturer for use as a safety device, as specified in R 408.41018a, operational aid, or a means to prevent power line contact or electrocution, when used to comply with this rule, shall comply with the manufacturer's procedures for use and conditions of use.

(l) [Reserved.]

(m) The employer shall train each operator and crew member assigned to work with the equipment pursuant to R 408.41016b(7).

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**ADMINISTRATIVE RULES**

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY STANDARDS

Filed with the Secretary of State on December 9, 2014

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154, MCL 408.1019 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.41105, R 408.41111, R 408.41113, R 408.41121, R 408.41124, R 408.41127, and R 408.41140 of the Michigan Administrative Code are amended and R 408.41102a is added, and R 408.41123 is rescinded, as follows:

PART 11. FIXED AND PORTABLE LADDERS

R 408.41102a Adopted and referenced standards.

Rule 1102a. (1) The following American National Standard Institute (ANSI) standards are adopted by reference:

- (a) ANSI standard A14.1 "Ladders – Wood Safety Requirements," 1990 edition. Cost: \$36.00.
- (b) ANSI standard A14.2 "Ladders – Portable Metal – Safety Requirements," 1990 edition. Cost: \$41.00.
- (c) ANSI standard A14.3 "Ladders – Fixed – Safety Requirements," 1984 edition. Cost: \$25.00.
- (d) ANSI standard A14.5 "Ladders – Portable Reinforced Plastic – Safety Requirements," 1982 edition with 1985 supplement. Cost: \$42.00.

(2) The standards adopted in subrule (1) of this rule are available from Global Engineering Documents, 15 Inverness Way East, Englewood, Colorado 80112, telephone number 1-800-854-7179, website: [www.global.ihs.com](http://www.global.ihs.com), at the cost listed above.

(3) The standards adopted in these rules are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.

(4) The standards adopted in these rules may be obtained from the publisher or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, plus \$20.00 for shipping and handling.

(5) The following Michigan occupational safety and health (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website:



[www.michigan.gov/mioshastandards](http://www.michigan.gov/mioshastandards). For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety Standard Part 16 “Power Transmission and Distribution,” R 408.41601 to R 408.41658.

(b) Construction Safety Standard Part 22 “Signals, Signs, Tags, and Barricades,” R 408.42201 to R 408.42243.

(c) Construction Safety Standard Part 45 “Fall Protection,” R 408.44501 to R 408.44502.

(d) General Industry Safety Standard Part 3 “Fixed Ladders,” R 408.10301 to R 408.10372.

R 408.41105 Definitions; S to W.

Rule 1105. (1) "Safety feet" means a safety device that is placed on the foot of the side rails of straight, sectional, or extension ladders to reduce the likelihood that the base will slip. Safety feet may be flat pads that are covered with a nonslip material, pointed metal projections, or spur wheels.

(2) "Side-step ladder" means a ladder that requires an employee who is getting off at the top of the ladder to step sideways from the ladder to reach the landing.

(3) "Single-cleat ladder" means a ladder that consists of a pair of parallel side rails that are connected with cleats which are joined to the side rails at regular intervals.

(4) "Single-rail ladder" means a portable ladder that has rungs, cleats, or steps which are mounted on a single rail instead of the normal 2 rails that are used on most other ladders.

(5) "Special-purpose ladder" means a portable ladder that represents either a modification or a combination of design or construction features in 1 or more of the general purpose types of ladders, as defined in R 408.41103(5) and (6), R 408.41104(5) and (6), and subrules (4) and (6) of this rule, in order to adapt the ladder to special or specific uses.

(6) "Stepladder" means a self-supporting portable ladder that is nonadjustable in length and that has flat steps and a hinged back. A stepladder's size is measured along the front edge of the side rails.

(7) "Steps" means the flat crosspieces of a ladder on which a person may step to ascend or descend.

(8) "Through ladder" means a ladder that requires an employee who is getting off at the top of the ladder to step through the ladder to reach the landing.

(9) "Trestle ladder" means a self-supporting portable ladder which is nonadjustable in length and which consists of 2 sections that are hinged at the top to form equal angles with the base. The size of the ladder is designated by the length of the side rails measured along the front edge.

(10) "Well" means a permanent complete enclosure around a fixed ladder that protects a climber. Proper clearance for a well will give the same protection as a cage.

(11) "Worn" means a reduction of the dimension of a wood or non-wood part by more than 10% of its original size.

R 408.41111 Ladders.

Rule 1111. (1) A manufactured portable wood ladder shall be constructed and maintained as prescribed in the ANSI standard A14.1 “Ladders – Wood Safety Requirements,” 1990 edition, as adopted in R 408.41102a.

(2) A manufactured portable metal ladder shall be constructed and maintained as prescribed in the ANSI standard A14.2 “Ladders – Portable Metal – Safety Requirements,” 1990 edition, as adopted in R 408.41102a.

(3) A manufactured portable plastic ladder shall be constructed and maintained as prescribed in the ANSI standard A14.5 “Ladders – Portable Reinforced Plastic – Safety Requirements,” 1982 edition with 1985 supplement, as adopted in R 408.41102a.

(4) Fixed ladders shall be constructed and maintained as prescribed in the ANSI standard A14.3 “Ladders – Fixed – Safety Requirements,” 1984 edition, as adopted in R 408.41102a.

R 408.41113 General requirements.

Rule 1113. (1) A ladder shall be provided at all personnel points of access if there is a break in elevation of 19 inches (48 cm) or more and if a ramp, runway, sloped embankment, stairway, or personnel hoist is not provided.

(2) When a building or structure has only 1 point of access between levels, that point of access shall be kept clear to permit the free passage of employees. When work must be performed or equipment must be used, that restricts the free passage of employees at the point of access, an employer shall provide a second point of access and the access must be used.

(3) When a building or structure has 2 or more points of access between levels, the employer shall ensure at least 1 point of access is kept clear to permit the free passage of employees.

(4) Employers shall provide and install all ladder fall protection systems that are required by this part and shall comply with all other pertinent requirements of this part before employees begin the work that necessitates the installation and use of ladders and their respective fall protection systems.

(5) Ladder rungs, cleats, and steps shall be parallel, level, and uniformly spaced when a ladder is in position for use.

(6) Rungs, cleats, and steps of portable ladders, except as provided in subrules (7) and (8) of this rule, and fixed ladders shall be spaced not less than 10 inches (25 cm) apart and not more than 14 inches (36 cm) apart, as measured between the center lines of the rungs, cleats, and steps.

(7) Rungs, cleats, and steps of step stools shall be not less than 8 inches (20 cm) apart and not more than 12 inches (31 cm) apart, as measured between center lines of the rungs, cleats, and steps.

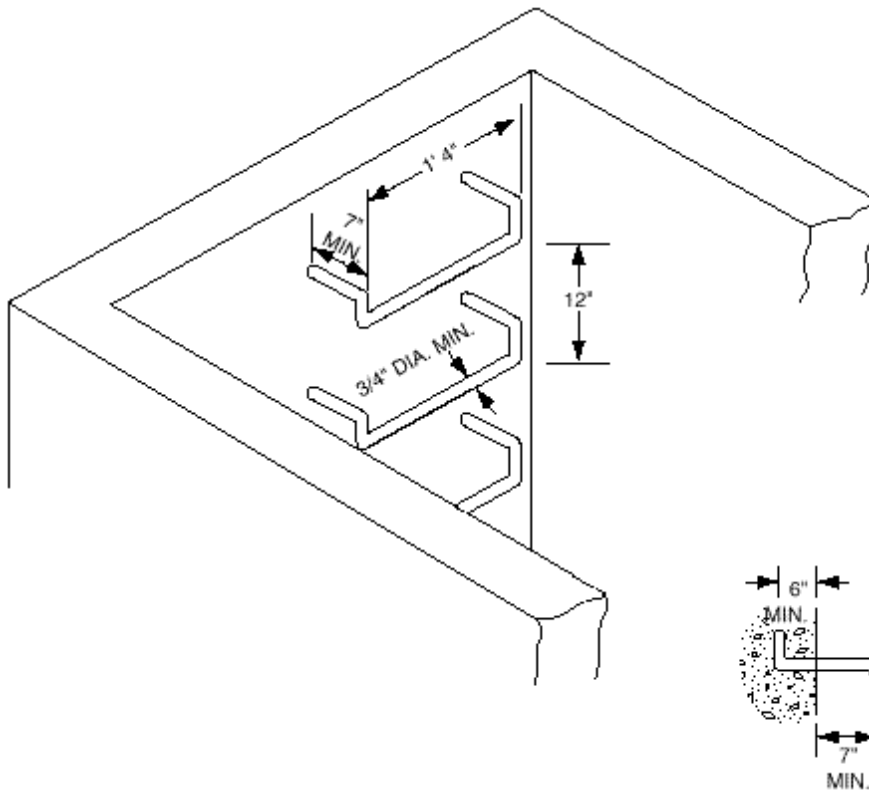
(8) Rungs, cleats, and steps of the base section of extension trestle ladders shall be not less than 8 inches (20 cm), nor more than 18 inches (46 cm), apart, as measured between center lines of the rungs, cleats, and steps. The rung spacing on the extension section of the extension trestle ladder shall be not less than 6 inches (15 cm), nor more than 12 inches (31 cm), as measured between center lines of the rungs, cleats, and steps.

(9) The minimum clear distance between the sides of individual rung-type stepladders and the minimum clear distance between the side rails of other fixed ladders shall be 16 inches (41 cm).

(10) The minimum clear distance between side rails for all portable ladders shall be 11 1/2 inches (29 cm).

(11) The rungs of individual rung-type stepladders shall be shaped so that an employee's feet cannot slide off the end of the rungs. See figure 1.

FIGURE 1  
SUGGESTED DESIGN FOR RUNGS ON INDIVIDUAL RUNG LADDERS



(12) The rungs and steps of fixed metal ladders that are manufactured after January 14, 1991, shall be corrugated, knurled, dimpled, coated with skid-resistant material, or otherwise treated to minimize slipping.

(13) The rungs of steps of portable metal ladders shall be corrugated, knurled, dimpled, coated with skid-resistant material, or otherwise treated to minimize slipping.

(14) Except when portable ladders are used to gain access to fixed ladders, such as ladders on utility towers, billboards, and other structures where the bottom of the fixed ladder is elevated to limit access, when 2 or more separate ladders are used to reach an elevated work area, the ladder shall be offset with a platform or landing between the ladders.

(15) Ladder components shall be surfaced in a manner that prevents employee injury due to punctures or lacerations and prevents the snagging of clothing.

R 408.41121 Inspection; faults and defects.

Rule 1121. (1) A ladder, as prescribed in this part, shall be used to provide safe access to all elevations, unless other means, such as steps, stairs, ramps, runways, or elevators, are provided.

(2) A ladder shall be inspected before use and after it has fallen or been involved in an accident to determine its condition.

(3) A ladder that has any of the following faults and defects shall be immediately tagged "DANGEROUS - DO NOT USE" and shall be withdrawn from service:

(a) Broken, worn, or missing rungs, cleats, or steps.

- (b) Broken or split side rails.
- (c) Broken or bent guides or iron spreaders.
- (d) Broken or bent locks.

The tag shall be as prescribed in Construction Safety Standard Part 22 “Signals, Signs, Tags, and Barricades,” as referenced in R 408.41102a.

(4) Fixed ladders that have structural defects, such as broken or split rails or corroded components, shall be withdrawn from service until repaired. The requirement to withdraw a defective ladder from service is satisfied if 1 of the following provisions is complied with:

- (a) The ladder is immediately tagged with the words "do not use" or similar language.
  - (b) The ladder is marked in a manner that readily identifies it as defective.
  - (c) The ladder is blocked, such as with a plywood attachment that spans several rungs.
- (5) Ladder repairs shall restore the ladder to a condition that meets its original design criteria before the ladder is returned to use.

R 408.41123 Rescinded.

R 408.41124. Portable ladders.

Rule 1124. (1) A portable ladder shall be used at such a pitch that the horizontal projected distance from the top support to the base is not more than 1/4 of the vertical distance between these points.

(2) A portable ladder in use shall be equipped with appropriate safety feet, unless the ladder is tied, blocked, or otherwise secured to prevent it from being displaced. Slip-resistant feet shall not be used as a substitute for care in placing, lashing, or holding a ladder that is used upon slippery surfaces, including flat metal or concrete surfaces that are constructed so that they cannot be prevented from becoming slippery.

(3) A portable ladder that is used at such a pitch that the horizontal projected distance from the top support to the base is less than 1/5 of the vertical distance between these points shall be secured at the top to prevent tipping backward.

(4) A portable ladder that is used at a pitch of 80 degrees or more shall be in compliance with the requirements of a fixed ladder as prescribed in General Industry Safety Standard Part 3 “Fixed Ladders,” as referenced in R 408.41102a.

(5) When portable ladders are used for access to an upper landing surface, the ladder side rails shall extend not less than 3 feet (.9 m) above the upper landing surface to which the ladder is used to gain access; or, when such an extension is not possible because of the ladder’s length, then the ladder shall be secured at its top to rigid support that will not deflect and a grasping device, such as a grabrail, shall be provided to assist employees in mounting and dismounting the ladder. The side rails shall not extend in a manner that would permit ladder deflection under a load, by itself, to cause the ladder to slip off its support. The top of a non-self-supporting ladder shall be placed with the 2 rails supported equally, unless the ladder is equipped with a single support attachment.

(6) A manufactured portable metal ladder shall not be used for electrical work or where the ladder or an employee may contact electrical conductors.

A ladder shall have nonconductive siderails if the ladder is used where the employee or the ladder could contact exposed energized electrical equipment, except as provided in Construction Safety Standard Part 16 “Power Transmission and Distribution,” as referenced in R 408.41102a.

(7) A metal ladder shall not be used or moved unless a minimum of 20 feet is maintained between power transmission or distribution lines.

(8) A power transmission or distribution line or electrical apparatus shall be considered energized unless the property owner or utility indicates it is de-energized and the line or apparatus is visibly

grounded. Where de-energizing is impractical, the minimum clearances set forth in table 1 shall be maintained between the ladder, employee, or material, whichever is closer.

(9) Table 1 reads as follows:

TABLE 1

VOLTAGE	MINIMUM CLEARANCE
To 50 kV	10 feet
Over 50 kV	10 feet plus .4 inch per kV

(10) An employee who is using a portable ladder shall not stand on the top 2 rungs or within 3 feet of the top of the ladder.

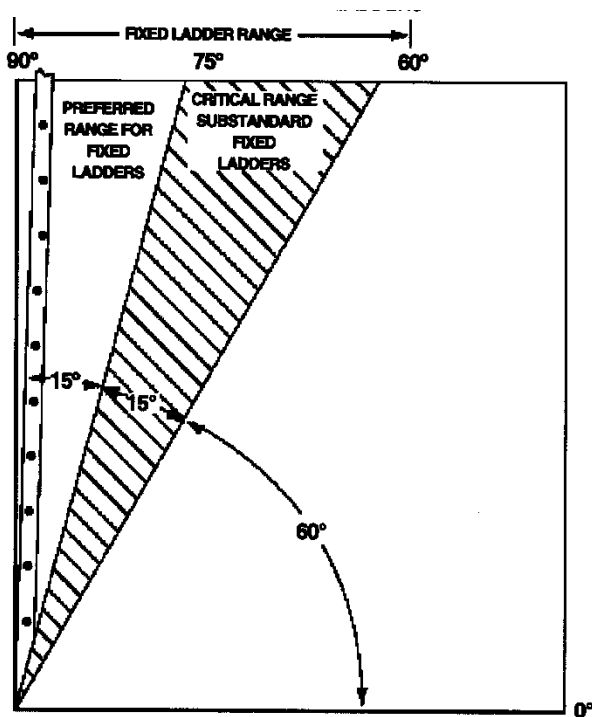
(11) Two portable ladders shall not be spliced together to provide long sections unless such ladders are specifically designed for such use.

(12) A portable 2-section extension ladder shall be erected so that the top section rests on the base section. The top section shall be the section nearest to the climber.

(13) A non-self-supporting ladder shall be used at an angle such that the horizontal distance from the top support to the foot of the ladder is approximately 1/4 of the working length of the ladder that is the distance along the ladder between the foot and the top support.

(14) A fixed ladder shall be used at a pitch of not more than 90 degrees from the horizontal, as measured to the back side of the ladder.

See figure 5.



R 408.41127 Single and double-cleat ladders generally.

Rule 1127. (1) A job-built ladder shall not be more than 24 feet in length. If the length of a required job-built ladder would be more than the maximum length, 2 or more separate ladders shall be used and shall be offset with a platform between each ladder that is not supported by the ladders. Ladders used with a platform shall be secured at the top and bottom.

(2) The platform shall be designed to support 4 times the intended load. Guardrails and toeboards, as prescribed in Construction Safety Standard Part 45 “Fall Protection,” as referenced in R 408.41102a, shall be erected on the exposed sides of the platform. Rails shall extend above the top landing at least 36 inches but not more than 42 inches to provide a handhold for mounting and dismounting, and cleats shall be eliminated above the landing level. When 2 or more separate job-built ladders are used with a platform, the ladders shall be completely offset from each other and the minimum horizontal distance between adjacent side rails shall be 6 inches.

(3) Side rails of a job-built ladder shall be continuous.

(4) Each cleat of a job-built ladder shall be a continuous member.

(5) A wood cleat shall be not less than nominal 1-inch by 4-inch construction grade lumber for a cleat less than 20 inches in length and not less than nominal 2-inch by 4-inch construction grade lumber for a cleat from 20 inches to 50 inches in length. Knot-free lumber shall be used for cleats.

(6) The cleats shall be uniformly spaced 12 inches top to top. A cleat shall be attached to the narrow face of each side rail using 2 10-d nails for nominal 1-inch by 4-inch cleats or 2 16-d nails for 2-inch by 4-inch cleats .

(7) Filler blocks shall be used on the rails between cleats. Filler blocks of the same thickness as the cleats shall be inserted between cleats and butted tightly against the underside of each cleat.

(8) Side rails shall not be cut into house cleats.

R 408.41140. Fixed ladders.

Rule 1140. A fixed ladder shall be as prescribed in General Industry Safety Standard Part 3 “Fixed Ladders,” as referenced in R 408.41102a.

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**ADMINISTRATIVE RULES**

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DEPARTMENT OF EDUCATION

SUPERINTENDENT OF PUBLIC INSTRUCTION

YOUTH EMPLOYMENT STANDARDS

Filed with the Secretary of State on December 5, 2014

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By the authority conferred on the superintendent of public instruction by section 20 of 1978 PA 90, MCL 409.120, and Executive Reorganization Orders Nos. 1996-2, 2002-1, 2003-1, 2008-4, and 2011-4, 445.2001, 445.2004, 445.2011, 445.2025, and 445.2030)

R 408.6302 of the Michigan Administrative Code is amended as follows:

R 408.6302 Application for deviation from legal hours of employment.

Rule 302. (1) An employer seeking approval to employ minors age 16 and older beyond the hours prescribed in the act shall file an application for a deviation from the legal hours of employment with the department.

(2) An application for a deviation shall include all of the following information:

- (a) The name and address of the employer.
- (b) The name and title of the person filing the application.
- (c) An indication of the work schedule for hours to be worked before 6 a.m. and after 10:30 p.m. when school is in session and before 6 a.m. and after 11:30 p.m. when school is not in session.
- (d) The address where the work is to be performed.
- (e) A statement of the type of business.
- (f) Verification that all of the following shall be maintained by the employer:
  - (i) Written permission of the parent or guardian for the minor to work the hours requested.
  - (ii) Records certifying that the work week does not exceed 24 hours if the minor is a student in school and school is in session.

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**PROPOSED ADMINISTRATIVE RULES,  
NOTICES OF PUBLIC HEARINGS**

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*MCL 24.242(3) states in part:*

*“... the agency shall submit a copy of the notice of public hearing to the Office of Regulatory Reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the Office of Regulatory Reform.”*

*MCL 24.208 states in part:*

*“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\*       \*       \*

*(d) Proposed administrative rules.*

*(e) Notices of public hearings on proposed administrative rules.”*



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**ADMINISTRATIVE RULES**

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DEPARTMENT OF COMMUNITY HEALTH

~~COMMUNITY LIVING, CHILDREN AND FAMILIES~~ **DIVISION OF FAMILY AND  
COMMUNITY HEALTH**

**BLOOD LEAD ANALYSIS REPORTING**

Proposed draft November 12, 2014

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of community health by 1978 PA 368, MCL 333.5111(1) and (2)(f), 333.5474(1)(c), and 333.20531; 1978 PA 312, MCL 325.72(a)(i), MCL 325.78; and Executive Reorganization Order No. 1996-1, MCL 330.3101)

R 325.9087 of the Michigan Administrative Code is rescinded, and R 325.9081, R 325.9082, R 325.9083, R 325.9084, R 325.9085, **and** R 325.9086 of the Code are amended as follows:

R 325.9081 Definitions.

Rule 1. (1) As used in these rules:

(a) ~~"Blood lead analysis report form" means the form used to report the required reportable information for blood that has been analyzed for lead.~~

~~(b) "Agency" means the community public health agency.~~ **"department" means the department of community health.**

~~(c) "Physician/provider" means a licensed professional who provides health care services and who is authorized to request the analysis of blood specimens. For this purpose, provider may also mean the local health department.~~

**(c) "Portable blood lead analyzer" means a point-of-care blood lead testing instrument or similar device used to test blood lead levels.**

**(d) "User" means a physician/provider, local health department, Head Start agency, community action agency, and other agencies or individuals who utilize portable blood lead analyzers.**

(2) The term "local health department," as defined in **section 1105, 1978 PA 368, MCL 333.1105**~~Act No. 368 of the Public Acts of 1978, as amended, being §333.1101 et seq. of the Michigan Compiled Laws,~~ has the same meaning when used in these rules.

R 325.9082 Reportable information.

Rule 2. (1) ~~Reportable information is specifically related to blood samples submitted to clinical laboratories for lead analysis pertains to the analysis of blood samples submitted to clinical laboratories and the results from portable blood lead analyzers.~~

(2) Upon initiating a request for blood lead analysis, the physician/provider **or user** ordering the blood lead analysis shall ~~complete the client information (section I) and the physician/provider information (section II) of a blood lead analysis report form designated by the agency or shall complete another similar form that ensures the inclusion of the same required data and shall provide all of collect~~ the following information:

(a) All of the following information with respect to the individual tested:

(i) Name.

(ii) Sex

(iii) ~~Racial/ethnic group~~ **The individual's ethnicity including either of the following:**

**(a) Hispanic or Latino/Latina. ~~or~~**

**(b) Not Hispanic of Latino/Latina.**

**(iv) The individual's race, noting ~~all that apply~~ the following:**

**(a) American Indian or Alaska Native.**

**(b) Asian.**

**(c) Black or African American.**

**(d) Native Hawaiian or Other Pacific Islander. ~~or~~**

**(e) White or Caucasian.**

~~(iv)~~ **(v) Birthdate.**

~~(v)~~ **(vi) Address, including county, and, to the extent available, whether the residence or property is owned or rented.**

~~(vi)~~ **(vii) Telephone number.**

~~(vii)~~ **(viii) Social security number and Medicaid number, if applicable.**

~~(viii)~~ **(ix) If the individual is a minor, the name of a parent or guardian ~~and social security number of the parent or guardian.~~**

~~(ix)~~ **(x) If the individual is an adult, the name of his or her employer.**

**(xi) A secondary contact for the individual tested or, if the individual is a minor, a secondary contact for the individual's parent or guardian, including, to the extent available, name and phone number of the secondary contact.**

(b) The date of the sample collection.

(c) The type of sample (capillary or venous).

**(d) The physician's/provider's or user's name, name of practice (if applicable), telephone number, fax number, email address, and mailing address.**

(3) The ~~blood lead analysis report form or a document with the same data~~ **information collected in subrule (2) of this rule** shall be submitted with the sample for analysis to a clinical laboratory that performs blood lead analysis **or a user of a portable blood lead analyzer**.

(4) Upon receipt of the blood sample for lead analysis, the clinical laboratory **or user of a portable blood lead analyzer** shall ~~complete the laboratory information (section III) and provide all of the information required and/or submitted by the physician/provider~~ **collect the following additional information:**

(a) The name, address, and phone number of the laboratory **or testing entity**.

(b) The date of analysis.

**(c) The specimen number.**

~~(e)-(d)~~ The results of the blood lead analysis in micrograms of lead per deciliter of whole blood rounded to the nearest whole number.

#### R 325.9083 Reporting responsibilities.

Rule 3. (1) All clinical laboratories **and users of portable blood lead analyzers** doing business in this state that analyze blood samples for lead shall report all blood lead results, rounded to the nearest whole number, for adults and children to the ~~Community Public Health Agency, Childhood Lead Poisoning Prevention Program (CPHA/CLPPP), 3423 N.M.L. King Jr. Blvd., Lansing, MI 48909~~ **department electronically consistent with R 325.9084. If a result and required reportable information under R 325.9082 cannot be reported electronically within the time frame specified by this rule, then the results shall be submitted to the Michigan Department of Community Health, Childhood Lead Poisoning Prevention Program (CLPPP), 109 W. Michigan Avenue, Lansing, MI 48909 or (517) 335-8509 (facsimile). Reports shall be made to the department within 5 five-(5) working days after test completion. Nothing in these rules shall prevent a person or entity required to report under these rules from reporting results to the department sooner than 5 working days.**

(2) Nothing in this rule shall be construed to relieve a **clinical laboratory or a user of a portable blood lead analyzer** from reporting results of a blood lead analysis to the physician or other health care provider who ordered the test or to any other entity as required by state, federal, or local statutes or regulations or in accordance with accepted standard of practice, except that reporting in compliance with this rule satisfies the blood lead reporting requirements of ~~Aet No. 368 of the Public Acts of 1978, as amended, being §333.1101 et seq. of the Michigan Compiled Laws 1978 PA 368, MCL 333.1101 to 333.25211.~~

#### R 325.9084 Electronic communications.

Rule 4. (1) A clinical laboratory **or user of a portable blood lead analyzer** shall submit the data required in ~~Rule R 325.9082 and~~ **R 325.9083** electronically to the ~~agency-department~~.

(2) For electronic reporting, upon mutual agreement between the reporting clinical laboratory **or user of a portable blood lead analyzer** and the ~~agency-department~~, the reporting shall utilize the data format specifications provided by the ~~agency-department~~.

R 325.9085 Quality assurance.

Rule 5. For purposes of assuring the quality of submitted data, each ~~reporting entity~~ **clinical laboratory or user of a portable blood lead analyzer** shall allow the ~~agency~~ **department** to inspect copies of the medical records that will be submitted by the ~~reporting entity~~ **clinical laboratory or user of a portable blood lead analyzer** to verify the accuracy of the submitted data. Only the portion of the medical record that pertains to the blood lead testing shall be submitted. ~~The copies of the medical records shall not be recopied by the agency and shall be kept in a locked file cabinet when not being used.~~ **The department shall protect the medical records submitted using reasonably appropriate privacy and security safeguards regardless of whether the medical records are received by the department in electronic or hard copy form.** After verification of submitted data, the ~~agency~~ **department** shall promptly destroy the copies of the medical records.

R 325.9086 Confidentiality of reports.

Rule 6. (1) Except as provided in subrule (2) of this rule, the ~~agency~~ **department** shall maintain the confidentiality of all reports of blood lead tests submitted to the ~~agency~~ **department** and shall not release reports or information that may be used to directly link the information to a particular individual.

(2) The ~~d~~Department may release reports or information, otherwise protected under subrule (1) of this rule, under any of the following conditions:

(a) If the ~~d~~ Department has received written consent from the individual, or from the individual's parent or legal guardian, requesting the release of information.

(b) If necessary for law enforcement investigation or prosecution of a property manager, housing commission, or owner of a rental unit under **section 5475a**, 2004 PA 434, MCL 333.5475a.

(c) If the director of the ~~d~~Department determines that release is crucial to protect the public health against imminent threat or danger.

**(d) As necessary for the department to carry out its duties under 1978 PA 368, MCL 333.1101 to 333.25211.**

**(e) If necessary for the purpose of research designed to develop or contribute to generalizable knowledge, with documented approval by the department's institutional review board.**

**(f) If necessary for the purpose of public health activities designed to prevent lead poisoning within a community.**

(3) Medical and epidemiological information that is released to a legislative body shall not contain information that identifies a specific individual. Aggregate epidemiological information concerning the public health that is released to the public for informational purposes only shall not contain information that identifies a specific individual.

R 325.9087 ~~Blood lead analysis report form.~~ **Rescinded.**

Rule 7. ~~The blood lead analysis report form reads as follows:~~

~~\_\_\_\_\_~~ MICHIGAN DEPARTMENT OF COMMUNITY HEALTH  
~~\_\_\_\_\_~~ BLOOD LEAD ANALYSIS REPORT  
~~\_\_\_\_\_~~ DATA/INFORMATION REQUIRED BY ADMINISTRATIVE RULES R 325.9082 and R 325.9083

~~\_\_\_\_\_~~ I. CLIENT INFORMATION

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
Last Name \_\_\_\_\_ First Name \_\_\_\_\_ M.I. \_\_\_\_\_ Birth Date \_\_\_\_\_

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ County \_\_\_\_\_

~~\_\_\_\_\_~~ Area Code  
and Phone Number \_\_\_\_\_ Client's Social Security Number \_\_\_\_\_

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
If Client is an adult, list Employer \_\_\_\_\_ If an adult, list Occupation \_\_\_\_\_

~~\_\_\_\_\_~~ Medicaid Number \_\_\_\_\_  
~~\_\_\_\_\_~~ Sex \_\_\_\_\_ Race Ethnic Group \_\_\_\_\_  
~~\_\_\_\_\_~~ • Male \_\_\_\_\_ • White \_\_\_\_\_  
~~\_\_\_\_\_~~ • Female \_\_\_\_\_ • Black \_\_\_\_\_  
~~\_\_\_\_\_~~ • Hispanic \_\_\_\_\_  
~~\_\_\_\_\_~~ • Native American \_\_\_\_\_  
~~\_\_\_\_\_~~ • Middle Eastern \_\_\_\_\_  
~~\_\_\_\_\_~~ • Asian/Pacific \_\_\_\_\_

Sample Collection Date \_\_\_\_\_

Type of Sample  
~~\_\_\_\_\_~~ • Capillary • Venous

~~\_\_\_\_\_~~ Parent/Guardian Name  
~~\_\_\_\_\_~~ Parent/Guardian SS Number

~~\_\_\_\_\_~~ II. PHYSICIAN/PROVIDER INFORMATION

Mail Report to:

Physician/Provider

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

~~\_\_\_\_\_ Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code~~

~~\_\_\_\_\_ Area Code and Phone Number~~

~~\_\_\_\_\_ III. LABORATORY INFORMATION~~

~~Completion required by testing laboratory~~

~~\_\_\_\_\_ Laboratory Name \_\_\_\_\_ Area Code and Phone Number~~

~~\_\_\_\_\_ Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code~~

~~\_\_\_\_\_ Specimen  
\_\_\_\_\_ Number \_\_\_\_\_ Date of Analysis~~

~~BLOOD LEAD LEVEL \_\_\_\_\_ MICROGRAMS PER DECILITER~~

~~MDCH – Childhood Lead Poisoning Prevention Program, 3423 N. M.L. King, Jr.  
Blvd., Lansing, MI 48909 (517) 335-8885 Fax Number (517) 335-8509~~

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**NOTICE OF PUBLIC HEARING**

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DEPARTMENT OF COMMUNITY HEALTH

DIVISION OF FAMILY AND COMMUNITY HEALTH

BLOOD LEAD ANALYSIS REPORTING

Rule Set 2013-104-CH

**NOTICE OF PUBLIC HEARING**

January 30, 2015

The Michigan Department of Community Health, Bureau of Family, Maternal and Child Health, Division of Family and Community Health will hold a public hearing on Friday, January 30, 2015 at the offices of the Michigan Department of Community Health, 201 Townsend, Lansing, Michigan in the Conference Center, 1st floor, Rooms ABC at 2:00 p.m. This hearing will be held to receive public comments from interested persons on proposed amendments to the rules governing blood lead analysis reporting.

These rules are promulgated under the authority of the Department of Community Health by 1978 PA 368, MCL 333.5111(1) and (2)(f), 333.5474(1)(c), and 333.20531; 1978 PA 312, MCL 325.72(a)(i), MCL 325.78; and Executive Reorganization Order No. 1996-1, MCL 330.3101)

Hearing comments may be presented in person with written comments available at the time of presentation. Individuals may also submit written comments by e-mail to the address listed below. Written comments must be received by 5:00 p.m. on January 30, 2015. Copies of the proposed rules may also be obtained by mail or e-mail at the following address:

Department of Community Health  
Office of Legal Affairs  
201 Townsend St.  
Lansing, Michigan 48913  
Attention: Christine Dingee  
E-mail address: [dingeec1@michigan.gov](mailto:dingeec1@michigan.gov)  
Phone: (517) 241-5794

All hearings are conducted in compliance with the 1990 Americans with Disabilities Act. Hearings are held in buildings that accommodate mobility-impaired individuals and accessible parking is available. A disabled individual who requires accommodations for effective participation in a hearing should call Christine Dingee at the above number, to make the necessary arrangements. To ensure availability of the accommodation, please call ten days in advance.

ORR # 2013-104-CH

December 12, 2014

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**ADMINISTRATIVE RULES**

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY STANDARDS

Proposed draft December 10, 2014

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154, **MCL 408.1019 and 408.1021**, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.41802, R 408.41836, R 408.41837, R 408.41838, R 408.41841, R 408.41851, R 408.41852, R 408.41853, R 408.41854, R 408.41855, R 408.41861, R 408.41862, R 408.41863, R 408.41864, R 408.41865, R 408.41866, R 408.41867, R 408.41868, R 408.41869, R 408.41874, R 408.41875, R 408.41877, and R 408.41884, of the Michigan Administrative Code are amended, R 408.41861a, R 408.41861b, R 408.41861c, R 408.41861d, and R 408.41877a, are added, and R 408.41871, R 408.41872, R 408.41876, R 408.41878, R 408.41879, R 408.41881, R 408.41882, and R 408.41883, are rescinded, as follows:

**PART 18. FIRE PROTECTION AND PREVENTION**

R 408.41802 Adopted and referenced standards.

Rule 1802. (1) The following standards are adopted by reference in these rules and are available from The National Fire Protection Association, (NFPA) 1 Batterymarch Park, Quincy, Massachusetts, 02169-7471, USA; telephone number: 617-770-3000; or via the internet at web-site: [www.nfpa.org](http://www.nfpa.org), at a cost as of the time of adoption of these rules as stated in this subrule.

(a) NFPA 13 “Installation Of Sprinkler System” 1991 edition. Cost \$27.00.

(b) NFPA 14 “Standard For The Installation Of Standpipe, Private Hydrants And Hose Systems”, 2000 edition. Cost \$39.00.

(c) NFPA 25 “Inspection, Testing, And Maintenance Of Water-Based Fire Protection Systems”, 1998 edition. Cost \$50.50.

(d) NFPA 251 “Standard Methods Of Fire Testing Of Building Construction And Materials,” 1990 edition. Cost \$27.00.

(e) NFPA 30 “Flammable And Combustible Liquids Code,” 1996 edition. Cost \$27.00.

(f) NFPA 385 “Standard For Tank Vehicles For Flammable And Combustible Liquids,” 1990 edition. Cost \$27.00.



(g) NFPA 10A “Maintenance and Use of Portable Fire Extinguishers,” 1970 edition. Cost \$29.00.  
~~58 “Storage And Handling Of Liquefied Petroleum Gases”, 1992 edition. Cost \$27.00.~~

(h) NFPA 80 “Standard for Fire Doors and Windows,” 1970 edition. Cost \$29.00. ~~52 “The Compressed Natural Gas Vehicular Fuel Systems,” 1992 edition. Cost \$27.00.~~

(i) NFPA 59A “Production, Storage And Handling Of Liquefied Natural Gas,” 1990 edition. Cost \$27.00.

(2) **The following standards are adopted by reference in these rules and are** ~~Compressed Gas Association (CGA) Standard CGA C7 “Guide To The Preparation Of Precautionary Labeling And Marking Of Compressed Gas Containers,” 2000 edition, which is adopted by reference in these rules and is available from IHS Global, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at web-site: <http://global.ihs.com>; at a cost as of the time of adoption of these amendments of \$892.00.~~ **rules, as stated in this subrule.**

(a) **Compressed Gas Association (CGA) Standard CGA C7 “Guide To The Preparation Of Precautionary Labeling And Marking Of Compressed Gas Containers,” 2000 edition. Cost \$892.00.**

(b) **American Society for Testing and Materials (ASTM) Standard ASTM D56 “Standard Test Method for Flash Point by Tag Closed Cup Tester,” 1969 edition. Cost: \$58.00.**

(c) **ASTM D93 “Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester,” 1969 edition. Cost \$67.00.**

(3) The provisions of **the Department of Transportation Title 49 C.F.R. Part 178, “Shipping Container Specifications,”** ~~Transportation “Subchapter D—Pipeline Safety” Parts 186-199, are is~~ adopted by reference in these rules and ~~is are~~ available **via the internet at web-site: [www.ecfr.gov](http://www.ecfr.gov);** ~~from the United States Government Bookstore via the internet at web-site: [www.bookstore.gpo.gov](http://www.bookstore.gpo.gov) which is free, at a cost as of the time of adoption of these rules. of \$70.00.~~

(4) The standards adopted in **these rules** ~~subrules (1), (2), and (3) of this rule~~ are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA **Regulatory Services Standards** Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(5) Copies of the standards adopted in these rules ~~subrules (1), (2) and (3) of this rule~~ may be obtained from the publisher or may also be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA **Regulatory Services Standards** Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(6) **The following Michigan occupational safety and health standards (MIOSHA) are referenced in these rules.**

~~Michigan Construction Safety Standard Part 22 'Signals, Signs, Tags And Barricades,' R 480.42201 to R 408.42242, is referenced in these rules.—Up to 5 copies of this standard may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA **Regulatory Services Standards** Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48908-8143, or via the internet at website: [www.michigan.gov/mioshastandards](http://www.michigan.gov/mioshastandards). For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.~~

(a) **Construction Safety Standard Part 22 'Signals, Signs, Tags and Barricades,' R 480.42201 to R 408.42242.**

(b) **Construction Safety Standard Part 42 “Hazard Communication,” R 408.44201 to R 408.44203.**

R 408.41836 Definitions; A to C.

Rule 1836. (1) "Approved" means equipment that has been listed or approved by a nationally recognized testing laboratory, **such as Factory Mutual Engineering Corporation, or Underwriters’**

**Laboratories, Inc., or federal agencies such as Bureau of Mines, or U.S. Coast Guard, which issue issues-approvals for the equipment.**

(2) "Closed container" means a container ~~that which~~ is sealed by means of a lid or other device so that neither liquid nor vapor will escape from it at ordinary temperatures.

(3) **"Combustion" means any chemical process that involves oxidation sufficient to produce light or heat.** ~~"Combustible" means capable of burning.~~

(4) **"Container" means all vessels, such as tanks, cylinders, or drums, used for transportation or storing liquefied petroleum gases.** ~~"Combustible liquid" means any liquid that has a flash point at or above 100 degrees Fahrenheit (37.8 degrees Celsius) and below 200 degrees Fahrenheit (93.4 degrees Celsius).~~

(5) "Container in use" means a container connected for use.

R 408.41837 Definitions; F.

Rule 1837. (1) "Fire alarm signaling system" means an alerting signal ~~that which~~ is clearly audible throughout all areas and which would immediately alert employees in case of an emergency.

(2) **"Fire brigade" means an organized group of employees that are knowledgeable, trained, and skilled in the safe evacuation of employees during emergency situations and in assisting in fire fighting operations.**

(3)~~(2)~~ "Fire fighting equipment" means any of the following:

- (a) Portable extinguishers.
- (b) Fixed fire equipment.
- (c) Water barrels and pails.
- (d) Standpipes.
- (e) Fire hose.
- (f) Fire alarms.

(4)~~(3)~~ "Fire protection" means to provide fire fighting equipment, training, and evacuation plans.

(5)~~(4)~~ "Fire resistance" means that quality of a material ~~that which~~ renders it so resistant to fire that, for a specified time and under conditions of a standard heat intensity, the material will not fail structurally and will not permit the side away from the fire to become hotter than a specified temperature. For purposes of this part, fire resistance shall be determined by the fire test of building construction and materials, as prescribed in The National Fire Protection Association Standard NFPA 251, "Standard Methods Of Fire Testing Of Building Construction And Materials," 1990 edition, which is adopted by reference in R 408.41802.

(6)~~(5)~~ "Fixed fire equipment" means a fire extinguishing system that is permanently mounted and portable portions of a system, such as a hose and nozzle attached to a fixed supply of extinguishing agent.

(7)~~(6)~~ "Flammable" means to ignite easily and burn intensely or means to have a rapid rate of flame spread.

(8)~~(7)~~ "Flammable liquid" means any liquid **having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100 °F (37.8 °C) and having a flashpoint at or below 199.4 °F (93 °C).** ~~Flammable liquids are divided into the following categories: which has a flash point below 100 degrees Fahrenheit (37.8 degrees Celsius) and which has vapor pressure of not more than 40 pounds per square inch (absolute) at 100 degrees Fahrenheit (37.8 degrees Celsius).~~

(a) **Category 1 shall include liquids having flashpoints below 73.4 °F (23 °C) and having a boiling point at or below 95 °F (35 °C).**

(b) **Category 2 shall include liquids having flashpoints below 73.4 °F (23 °C) and having a boiling point above 95 °F (35 °C).**

(c) Category 3 shall include liquids having flashpoints at or above 73.4 °F (23 °C) and at or below 140 °F (60 °C).

(d) Category 4 shall include liquids having flashpoints above 140 °F (60 °C) and at or below 199.4 °F (93 °C).

(9)(8) "Flash point of the liquid" means the temperature at which it gives off vapor sufficient to form an ignitable mixture with the air near the surface of the liquid within the vessel used as determined by appropriate test procedure and apparatus as follows: ~~point" means the temperature at which a liquid gives off vapor sufficient to form an ignitable mixture with air near the surface of the liquid or within the vessel used, as determined by the following appropriate test procedure and apparatus:~~

(a) The flashpoint of liquids having a viscosity less than 45 Saybolt Universal Second(s) at 100 °F (37.8 °C) and a flashpoint below 175 °F (79.4 °C) shall be determined in accordance with ASTM D56 "Standard Test Method for Flash Point by Tag Closed Cup Tester," 1969 edition, as adopted by reference in R 408.41802, or an equivalent method as defined in Construction Safety Standard Part 42 "Hazard Communication," Appendix B, as referenced in R 408.41802. ~~The flash point of liquids having a viscosity less than 45 Saybolt Universal Second(s) at 100 degrees Fahrenheit (37.8 degrees Celsius) and a flash point below 175 degrees Fahrenheit (79.4 degrees Celsius).~~

(b) The flashpoints of liquids having a viscosity of 45 Saybolt Universal Second(s) or more at 175 °F (79.4 °C) or higher shall be determined in accordance with ASTM D93 "Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester," 1969 edition, as adopted by reference in R 408.41802, or an equivalent method as defined in Construction Safety Standard Part 42 "Hazard Communication," Appendix B, as referenced in R 408.41802. ~~The flash point of liquids having a viscosity of 45 Saybolt Universal Second(s) or more at 175 degrees Fahrenheit (79.4 degrees Celsius).~~

R 408.41838 Definitions; L to V.

Rule 1838. (1) "Liquefied petroleum gas," "L.P.G.," or "L.P. gas" means any material ~~that which~~ is composed predominately of any of the following hydrocarbons or mixtures of hydrocarbons:

- (a) Propane.
- (b) Propylene.
- (c) Butane.
- (d) Isobutene.
- (e) Butylene.

(2) "Means of egress" means a continuous path of travel from any part within a building to the open air outside at ground level.

~~(3) "Portable container — L.P.G." means a container designed to be readily moved and transported, either filled or partially filled. The containers shall have all container appurtenances protected so that they can be safely handled as a package.~~

~~(3)(4) "Portable tank" — flammable and combustible liquid" means a closed container which is made of metal, that which has a liquid capacity of more than 60 United States gallons, which is not intended for fixed installation, installation, and which is designed so that it will safely relieve internal pressure when exposed to fire.~~

(4)(5) "Safety can" means an approved metal or nonmetallic closed container ~~that which~~ has a capacity of not more than 5 gallons, ~~that which~~ has a flash-arresting screen, ~~spring-closing~~ spring-closing lid and spout cover, and ~~that which~~ is designed so that it will safely relieve internal pressure when exposed to fire.

(5)(6) "Temporary building" means a structure erected or placed for a period not longer than the project construction time.

(6)(7) "Temporary heating device" means a heating unit to provide heat for a period not longer than the project construction time.

(7)(8) "Vapor pressure" means the pressure, measured in pounds per square inch (absolute), exerted by a volatile liquid.

R 408.41841 Employer responsibility.

Rule 1841. (1) An employer shall be responsible for the development **of a fire protection program to be followed throughout all phases of the construction and demolition work, and the employer shall provide the firefighting equipment as specified in these rules. As fire hazards occur, there shall be no delay in providing the necessary equipment.** ~~and maintenance of a fire protection and prevention program to be followed during all phases of construction to reduce the chance of fire and injury to employees.~~

(2) The fire protection portion of the program shall include all of the following:

(a) Establishing and maintaining a means of egress from all areas of the building occupied by employees to provide free and unobstructed egress from all parts of the building or structure at all times when the building or structure is occupied. A lock or fastening that prevents free escape from the inside of any building shall not be installed, except in mental, penal, or corrective institutions where supervisory personnel is continually on duty and effective provisions are made to remove occupants in case of fire or other emergency.

(b) Posting fire rules or, by other means, informing the employees of the evacuation signal, escape routes, and emergency phone numbers. Exits shall be marked by a readily visible sign. Access to exits shall be marked by readily visible signs in all cases where the exit or way to reach the exit is not immediately visible to the occupants.

(c) A requirement that means of egress shall be continually maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency.

(3) The fire prevention portion of the program shall include both of the following:

(a) A housekeeping policy designed to keep a means of egress free from the accumulation of stored materials and debris and to reduce the likelihood of fire.

(b) A policy for the storage of combustible and flammable liquids and materials and for the use of proper heating equipment as prescribed in this part.

(4) **The employer shall provide fire** ~~Fire fighting equipment shall be provided by the employer and~~ meet all of the applicable requirements of this part as to location, accessibility, inspection, testing, and maintenance. **The employer shall immediately replace defective** ~~Defective equipment. shall be immediately replaced.~~

(5) **As warranted by the project, the employer shall provide a trained and equipped firefighting organization, Fire Brigade, to assure adequate protection to life.**

(6) **Fire walls and exit stairways, required for the completed buildings, shall be given construction priority. Fire doors, with automatic closing devices, shall be hung on openings as soon as practicable.**

(7) **Fire cutoffs shall be retained in buildings undergoing alterations or demolition until operations necessitate their removal.**

## FIRE PROTECTION

R 408.41851 Portable fire extinguishing equipment; selection and installation.

Rule 1851. (1) All portable fire extinguishers shall bear an approved label of a nationally recognized testing laboratory.

A fire extinguisher or extinguishing device that contains an active agent or propellant **that** ~~which~~ has thermal decomposition products that have a level of vapor toxicity equal to or greater than any of the following listed materials shall not be used, installed for use, or allowed to remain installed for use:

- (a) Carbon tetrachloride, CCL<sub>4</sub>.
- (b) Chlorobromomethane, CH<sub>2</sub> BrCL.
- (c) Azeotropic chlormethane, CM7.
- (d) Dibromodifluoromethane, CBr<sub>2</sub>F<sub>2</sub>.
- (e) 1, 2-dibromo-2-chloro-1, 1, 2-trifluoroethane, Cbr-F<sub>2</sub>, CBrCLf.
- (f) 1, 2-dibromo-2, 2-difluoroethane, CH<sub>2</sub>BrCbrF<sub>2</sub>.
- (g) Methylbromide, CH<sub>3</sub>Br.
- (h) Ethylene dibromide, CH<sub>2</sub>BrCH<sub>2</sub>Br.
- (i) Hydrogen bromide, HBr.
- (j) Methylene bromide, CH<sub>2</sub>Br<sub>2</sub>.
- (k) Bromodifluoromethane, CHBrF<sub>2</sub>.

**(2) A fire extinguisher, rated not less than 2A, shall be provided for each 3,000 square feet of the protected building area, or major fraction thereof. Travel distance from any point of the protected area to the nearest fire extinguisher shall not exceed 100 feet.** ~~A portable fire extinguisher that has a rating of not less than 2A shall be provided for each 3,000 square feet of the protected building area at each floor level and along the means of egress to facilitate the evacuation of employees, unless otherwise required by this part. The travel distance to the nearest fire extinguisher shall be not more than 100 feet. In multistory buildings, at least 1 fire extinguisher shall be located adjacent to a stairway.~~

**(3) One or more fire extinguishers, rated not less than 2A, shall be provided on each floor. In multistory buildings, at least 1 fire extinguisher shall be located adjacent to stairway.**

~~(4)(3)~~ Fire fighting equipment shall be located where it will be readily seen and accessible along normal paths of travel in the protected area.

~~(5)(4)~~ One 55-gallon open drum of water and 2 fire pails may be substituted for a fire extinguisher that has a 2A rating. **Extinguishers and water drums, subject to freezing, The water** shall be protected from freezing.

~~(6)(5)~~ A 1/2 inch or larger interior diameter garden hose **that** ~~which~~ is not more than 100 feet in length and **that** ~~which~~ is equipped with a nozzle may be substituted for a 2A fire extinguisher if it is capable of reaching all points in the area that would be covered by the replaced extinguisher and is capable of discharging not less than 5 gallons per minute with a horizontal hose stream of not less than 30 feet. The hose line shall be mounted on a rack or reel. Not more than 1/2 of the total number of required fire extinguishers may be replaced by the hose.

~~(7)(6)~~ In addition to the ~~general~~ requirements of this rule, fire extinguishers shall be supplied as follows:

(a) Not less than 1 portable fire extinguisher that has a rating of not less than 20 BC units shall be located as follows:

- (i) Outside of, but not more than 10 feet from, a door opening to a room used for the storage of **more than 60 gallons of** flammable ~~or combustible~~ liquids.
- (ii) Not less than 25 feet, nor more than 75 feet, from an outside storage area.
- (iii) On each tank truck or other vehicle used to transport or dispense flammable ~~or combustible~~ liquids.

(iv) **A fire extinguisher, rated not less than 10B, shall be provided within 50 feet of wherever more than 5 gallons of flammable or combustible liquids or 5 pounds of flammable gas are being used on the jobsite. This requirement does not apply to the integral fuel tanks of motor vehicles.**

(b) Each service or fueling area shall have at least 1 portable fire extinguisher which has not less than a 20 BC unit rating and which is located within 75 feet of each pump, dispenser, underground fill opening, and lubricating or service area.

(c) Storage locations for liquefied petroleum gas (L.P.G.) shall be provided with at least 1 approved portable fire extinguisher that has a rating of not less than 20 BC.

(d) Each site of a hazardous process shall be provided with a portable fire extinguisher of an appropriate size and type. Other means for safety or control may be provided if approved or required by the process.

~~(8)(7)~~ Table 1 may be used in selecting and providing an extinguisher.

~~(9)(8)~~ Table 1 reads as follows:

TABLE 1		
HAZARD	DESCRIPTION	EXTINGUISHER TYPE AND CONTENTS
Class "A" Fire	Combustible Material	Loaded stream, Multipurpose dry chemical, Pressure-operated water, Water pump tanks, Water mist, Halon 1211.
Class "B" Fire	Flammable Liquids, Gas, Or Grease	Carbon dioxide, Dry chemical, Foam, Loaded stream, Multipurpose dry chemical, Halon 1211.
Class "C" Fire	Electrical Equipment	Carbon dioxide with plastic horn only, Dry chemical, Multipurpose dry chemical, Water mist, Halon 1211.
Class "D" Fire	Combustible Metal	Extinguishing agent listed for use on a specific combustible metal hazard.

R 408.41852 Portable fire **extinguishers.** ~~extinguishing equipment; inspection, testing, and maintenance.~~

Rule 1852. ~~(1)~~ **Portable fire extinguishers shall be inspected periodically and maintained in accordance with NFPA 10A "Maintenance and Use of Portable Fire Extinguishers," 1970 edition, as adopted by reference in R 408.41802. An extinguisher shall be inspected monthly, or at more frequent intervals when circumstances require. Inspections shall check for all of the following:**

~~(a) That the extinguisher is in its designated place.~~

~~(b) That the extinguisher has not been actuated or tampered with.~~

~~(c) That the extinguisher does not have obvious damage, physical damage, external corrosion, or other impairment.~~

~~(2) An extinguisher that shows defects which could possibly affect its operation shall be removed from service and given a complete check. An employer shall attach a tag to an extinguisher or keep a record~~

~~documenting extinguisher maintenance or discharge dates and the initials or signature of the person who performed the service. Records shall be readable, kept on file or in an electronic system (for example, bar coding), and shall be available for inspection by a representative of the department of licensing and regulatory affairs. An employer shall keep a record of extinguisher maintenance or recharge dates and the initials or signature of the person who performed the service.~~

~~(3) An extinguisher shall receive a thorough inspection at least once a year to ensure operability. An extinguisher that requires recharging or weighing shall be maintained at least annually.~~

~~(4) An extinguisher that shows evidence of corrosion or mechanical damage shall be subjected to an approved hydrostatic test as prescribed in subrule (6) of this rule or shall be replaced.~~

~~(5) An extinguisher shall be given an approved hydrostatic test every 5 years, except for the following extinguishers, which shall be tested every 12 years:~~

~~(a) A dry chemical extinguisher that has a brazed brass, aluminum, or mild steel shell.~~

~~(b) An extinguisher that used bromotrifluoromethane.~~

~~(c) A dry powder extinguisher that is for metal fires. The hydrostatic test date shall be recorded on a suitable metallized decal or on an equally durable material which has been affixed by a heatless process to the shell of the extinguisher and which shows the date of the test, the test pressure, and the name of the person or agency making the test. An extinguisher tested after the effective date of this part shall have a label that will not retain its original condition when removal from an extinguisher is attempted. An extinguisher manufactured under the department of transportation specifications adopted by reference in subrule (7) of this rule may have the inspection date and serviceman's or firm's name, initials, or symbol stamped into the cylinder.~~

~~(6) A nitrogen cylinder or other cylinder for inert gas, such as found on a wheeled extinguisher, shall be hydrostatically tested at not more than 5 year intervals.~~

~~(7) An extinguisher, cylinder, or cartridge which is used for the storage of a compressed gas and which is manufactured as prescribed in department of transportation specifications shall be hydrostatically tested in accordance with the provisions of C.F.R. 49 Transportation "Subchapter D—Pipeline Safety" Parts 186–199, which are adopted by reference in R 408.41802.~~

~~(8) The hose and couplings on an extinguisher equipped with a shutoff nozzle at the outlet end of the hose shall have a hydrostatic test without the nozzle at the test intervals prescribed for the unit on which the hose is installed.~~

~~(9) An extinguisher shall be suitable for use within a temperature range from plus 40 degrees to plus 120 degrees Fahrenheit. An extinguisher installed at a location subject to temperature extremes shall be of a type listed for the temperature to which it will be exposed or shall be placed in an enclosure capable of maintaining the temperature.~~

R 408.41853 Fixed fire equipment.

Rule 1853. (1) **Sprinkler protection shall be as follows:**

**(a) If the facility being constructed includes the installation of automatic sprinkler protection, the installation shall closely follow the construction and be placed in service as soon as applicable laws permit following completion of each story.**

**(b) In all structures in which standpipes are required, or where standpipes exist in structures being altered, they shall be brought up as soon as applicable laws permit, and shall be maintained as construction progresses in such a manner that they are always ready for fire protection use. The standpipes shall be provided with Siamese fire department connections on the outside of the structure, at the street level, which shall be conspicuously marked. If the structure being constructed includes the installation of an automatic sprinkler or standpipe and hose system, then the installation shall be made during the construction of each story or section and shall be placed in service for each**

~~story or section that is completed. The standpipes shall be provided with Siamese fire department connections which shall be on the outside of the structure, at street level, conspicuously marked, and free from obstruction.~~

(2) During demolition or alterations, an existing sprinkler or standpipe system shall be maintained in service in any portion of a structure that is not subject to demolition or alteration. The operation of a sprinkler control valve shall be permitted only by a properly authorized person. Modification of a sprinkler system to permit alterations or additional demolition shall be expedited so that the automatic protection may be returned to service as quickly as possible. Sprinkler control valves shall be checked daily at the close of work to ascertain whether the protection is in service. When the sprinkler or standpipe system is out of service for other than routine maintenance, the local fire department and the building manager or designated representative shall be notified. A sign shall be posted on each fire department connection that is out of service and the balance of the service shall be tested and resealed in operable condition, where required, and both the fire department and the building manager or designated representative shall be advised that the system is again in service.

(3) A standpipe and hose system shall have not less than 1 outlet per story.

(4) An automatic sprinkler system shall be installed and maintained as prescribed in The National Fire Protection Association Standards NFPA 13 "Installation of Sprinkler Systems," 1991 edition; NFPA 14 "Standard For The Installation Of Standpipe, Private Hydrants And Hose Systems," 2000 edition; and NFPA 25 "Inspection, Testing, And Maintenance Of Water-Based Fire Protection Systems," 1998 edition. The standards are adopted by reference in R 408.41802.

#### R 408.41854 Water supply.

Rule 1854. (1) **An employer shall make available temporary or permanent water supply, of sufficient volume, duration, and pressure, required to properly operate the firefighting equipment as soon as combustible materials accumulate.** ~~A water supply shall be available to maintain a fire protection system at full rated capacity when combustible materials are present.~~

(2) Where an underground water main is to provide water for fire protection equipment, the main shall be installed, completed, and made available for use as soon as practicable.

#### R 408.41855 Fire hose and connections.

Rule 1855. (1) One-hundred feet or less of 1-1/2 inch hose, with a nozzle capable of discharging water at 25 gallons or more per minute supplied from an approved standpipe system may be substituted for a fire extinguisher rated not more than 2A in the designated area provided that the hose line can reach all points in the area.

~~(2) An approved hose valve shall be provided at each outlet for attachment of hose.~~

~~(2)(3)~~ The employer shall contact the local fire fighting organization to assure that fire hose connections on the jobsite are compatible with their fire fighting equipment. If a connection is not compatible, the employer shall install an adapter, or equivalent, to permit connection of local fire fighting equipment.

~~(3)(4)~~ During demolition involving combustible materials, charged hose lines, supplied by hydrants, water tank trucks with pumps, or equivalent, shall be made available.

## FIRE PREVENTION

#### R 408.41861 Ignition hazards.

Rule 1861. (1) Internal combustion engine powered equipment shall be so located that the exhaust piping is at a distance away from flammable and combustible materials to prevent ignition. When the



exhaust is piped to outside the building under construction, a clearance of not less than 6 inches shall be maintained between the piping and flammable and combustible material.

(2) Smoking shall be prohibited within 25 feet of flammable material. The area shall be posted with a sign "No Smoking or Open Flame." The sign shall be as prescribed in the **Construction Safety Standard Part 22 "Signals, Signs, Tags and Barricades,"** as ~~construction safety standard, Part 22~~ **Signals, Signs, Tags and Barricades,** being R 408.42201 et seq., which is referenced in R 408.41802.

(3) Electrical wiring equipment and portable battery-powered lighting equipment used in connection with the storage, handling, or use of flammable material shall be of the type approved for the hazardous location.

(4) The nozzle of an air, inert gas, and steam line or hose, when used in the cleaning or ventilation of tanks and vessels that contain flammable gases or vapors, shall be bonded to the tank or vessel shell.

(5) When a hazardous concentration of flammable gas or vapor exists in the area outside of the tank or vessel, the external bonding connection shall be made to the tank or vessel with the non-sparking device. The final bonding connection shall be made outside the hazardous concentration.

#### **R 408.41861a Location of containers.**

**Rule 1861a. (1) Containers shall be in a suitable ventilated enclosure or otherwise protected against tampering.**

**(2) The quantity of flammable liquids kept in the vicinity of spraying operations shall be the minimum required for operations and should ordinarily not exceed a supply for 1 day or 1 shift.**

**(3) Bulk storage of portable containers of flammable liquids shall be in a separate, constructed building detached from other important buildings or cut off in a standard manner.**

**(4) Containers shall be upright upon firm foundations or otherwise firmly secured.**

**(5) The possible effect on the outlet piping of settling shall be guarded against by a flexible connection or special fitting.**

**(6) LP-gas containers with a water capacity per container of more than 125 gallons shall be located a minimum of 10 feet from the nearest building or group of buildings when in use.**

#### **R 408.41861b Temporary buildings.**

**Rule 1861b. (1) A temporary building shall not be erected where it will adversely affect a means of egress.**

**(2) Temporary buildings, when located within another building or structure, shall be of either noncombustible construction or of combustible construction having a fire resistance of not less than 1 hour.**

**(3) Temporary buildings, located other than inside another building and not used for the storage, handling, or use of flammable or combustible liquids, flammable gases, explosives, or blasting agents, or similar hazardous occupancies, shall be located at a distance of not less than 10 feet from another building or structure.**

**(4) Groups of temporary buildings not exceeding 2,000 square feet in aggregate, shall, for the purposes of these rules, be considered a single temporary building.**

#### **R 408.41861c Open yard storage.**

**Rule 1861c. (1) Combustible materials shall be piled with due regard to the stability of piles and in no case higher than 20 feet.**

**(2) Driveways between and around combustible storage piles shall be at least 15 feet wide and maintained free from accumulation of rubbish, equipment, or other articles or materials.**

(3) Driveways shall be so spaced that a maximum grid system unit of 50 feet by 150 feet is produced.

(4) The entire storage site shall be kept free from accumulation of unnecessary combustible materials. Weeds and grass shall be kept down and a regular procedure provided for the periodic cleanup of the entire area.

(5) When there is a danger of an underground fire, that land shall not be used for combustible or flammable storage.

(6) Method of piling shall be solid wherever possible and in orderly and regular piles. No combustible material shall be stored outdoors within 10 feet of a building or structure.

(7) Portable fire extinguishing equipment suitable for the fire hazard involved shall be provided at convenient, conspicuously accessible locations in the yard area. Portable fire extinguishers rated not less than 2A shall be placed so that maximum travel distance to the nearest unit shall not exceed 100 feet.

#### **R 408.41861d Indoor storage.**

**Rule 1861d. (1) Storage shall not obstruct, or adversely affect, means of exit.**

**(2) All materials shall be stored, handled, and piled with due regard to their fire characteristics.**

**(3) Noncompatible materials that may create a fire hazard shall be segregated by a barrier having a fire resistance of at least 1 hour.**

**(4) Material shall be piled to minimize the spread of fire internally and to permit convenient access for firefighting. Stable piling shall be maintained at all times. Aisle space shall be maintained to safely accommodate the widest vehicle that may be used within the building for firefighting purposes.**

**(5) Clearance of at least 36 inches shall be maintained between the top level of the stored material and the sprinkler deflectors.**

**(6) Clearance shall be maintained around lights and heating units to prevent ignition of combustible materials.**

**(7) A clearance of 24 inches shall be maintained around the path of travel of fire doors unless a barricade is provided in which case no clearance is needed.**

**(8) Material shall not be stored within 36 inches of a fire door opening.**

### **FLAMMABLE LIQUIDS**

#### **R 408.41862 Transportation of flammable and combustible liquids.**

**Rule 1862. (1) Only approved containers and portable tanks shall be used for storage and handling of flammable liquids.** ~~A container used for the transportation of a flammable and combustible liquid shall be of substantial construction or be substantially packed so they will not be readily broken or punctured during transportation or handling.~~

**(2) Approved safety cans or department of transportation approved containers shall be used for the handling and use of flammable liquids in quantities of 5 gallons or less, except that this does not apply to those flammable liquid materials that are highly viscid (extremely hard to pour), which may be used and handled in original shipping containers.** ~~A container shall be of sound metal or nonmetallic construction, having a tight closure with a screwed or spring cover.~~

**(3) For quantities of 1 gallon or less, the original container may be used for storage, use, and handling of flammable liquids.** ~~A safety can shall be used for the transportation of a flammable liquid in a quantity greater than 1 gallon, except that this requirement shall not apply to those flammable liquid~~

~~materials which are highly viscous (extremely hard to pour), which may be stored and transported in original shipping containers.~~

~~(4) Only the original container or a safety can shall be used for transportation of flammable liquid in quantities of 1 gallon or less.~~

~~(5) A container used for the transportation of a flammable or combustible liquid shall be tightly closed to prevent the escape of liquid or vapor.~~

R 408.41863 ~~Flammable and combustible liquids; inside~~ **Inside** storage.

Rule 1863. (1) Not more than 25 gallons of flammable ~~or combustible~~ liquid shall be stored within a room outside of an approved wood or metal cabinet. **For storage of liquefied petroleum gas, see R 408.41877.**

(2) Not more than 60 gallons of **category 1, 2, and/or 3** flammable liquids or 120 gallons of **category 4 flammable** ~~combustible~~ liquids shall be stored in any 1 storage cabinet. Not more than 3 such cabinets shall be located in a single storage area. ~~Quantities in excess of this more than 60 gallons of flammable liquids or 12 gallons of combustible liquids shall be stored in an inside storage room as prescribed in~~ R 408.41864

(3) A wood cabinet, when used to store flammable ~~or combustible~~ liquids, shall have the bottom, back, sides, and top constructed of not less than 1-inch exterior plywood which shall not break down or delaminate under fire test conditions. All joints shall be rabbeted and secured in 2 directions by flathead wood screws. When more than 1 door is provided, there shall be a rabbeted overlap of not less than 1 inch. Steel hinges shall be mounted so that the holding capacity is not lost due to loosening or burnout of the screws. The cabinet shall be painted inside and out with a fire-retardant paint.

(4) A cabinet used to store flammable ~~and combustible~~ liquids shall be labeled with conspicuous lettering,

<p align="center">"Flammable Keep Away from Open Flames Fire Away,"</p>
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as prescribed in the **Construction Safety Standard Part 22 "Signals, Signs, Tags and Barricades,"** as ~~construction safety standard, Part 22 > Signals, Signs, Tags and Barricades,= being R 408.42201 et seq. which is referenced in~~ R 408.41802.

~~(5) A flammable or combustible liquid shall not be stored in a building in an area used as a means of egress.~~

R 408.41864 Inside storage room.

Rule 1864. (1) An inside storage room shall be constructed to meet the required fire resistance rating for its use. The construction shall meet the test specifications in The National Fire Protection Association Standard NFPA 251 "Standard Methods of Fire Testing of Building Construction and Materials," 1990 edition, which is adopted by reference in R 408.41802.

(2) ~~Either an opening~~ **Openings** from an inside storage room to another room or building shall be provided with noncombustible liquid-tight raised ~~sills sill or ramps at least 4 ramp not less than 6~~ inches in height or else the floor in the storage area shall be **at least 4** ~~not less than 6~~ inches below the surrounding floor. ~~The opening~~ **Openings** shall be provided with ~~an~~ approved self-closing fire **doors.** ~~door that is labeled with the words "Flammable — Keep Fire Away" in conspicuous lettering as prescribed in the construction safety standard, Part 22 > Signals, Signs, Tags, and Barricades,= being R 408.42201 et seq. which is referenced in~~ R 408.41802.

(3) If wood shelving, racks, dunnage, or floor overlay is used in the room, it shall be not less than 1 inch nominal thickness.

(4) **Where other portions of the building or other buildings are exposed, windows shall be protected in accordance with NFPA 80 “Standard for Fire Doors and Windows,” 1970 edition, for Class E or F openings, as adopted in R 408.41802.** ~~If another portion of the building or another building is exposed and a window covers an opening, the window shall be of a type approved for the hazard exposure.~~

(5) A material that will react with water to create a fire hazard shall not be stored in the same room with a flammable ~~or combustible~~ liquid.

(6) Quantities of flammable ~~and combustible~~ liquids stored in an inside storage room shall be limited in accordance with the criteria prescribed in table 3.

(7) Every inside storage room shall be provided with **either a gravity or a mechanical exhausting** ~~ventilating~~ system and meet all of the following provisions:

(a) A switch located outside of the door of the inside storage room shall control the mechanical exhausting system and any lighting fixtures.

(b) An electric pilot light shall be installed adjacent to the switch if **category 1, 2, or 3** flammable liquids are dispensed within the room.

(c) The **exhausting** ~~ventilating~~ system shall commence not more than 12 inches above the floor and be designed to provide for a complete change of air within the room not less than 6 times per hour when flammable ~~and combustible~~ liquids are stored in the room.

(d) **Where gravity ventilation is provided, the fresh air intake, as well as the exhausting outlet from the room, shall be on the exterior of the building in which the room is located.** ~~The exhausting outlet from the room shall be on the exterior of the building in which the room is located and away from any source of ignition.~~

(8) An inside storage room shall have at least 1 aisle which shall be not less than 3 feet in width and which shall be maintained free of obstructions.

(9) Containers that have more than a 30-gallon capacity shall not be stacked one upon another.

(10) Table 3 reads as follows:

TABLE 3

INSIDE STORAGE ROOM			
Fixed Fire Protection Provided	Fire Resistance Rating of Room	Maximum Size Of Storage Area	Total Allowable Quantities Gallons/Square Foot/Floor Area
Yes	2 hours	500 square feet	10
No	2 hours	500 square feet	4
Yes	1 hour	150 square feet	5
No	1 hour	150 square feet	2
<b>NOTE: Fire protection system shall be sprinkler, water spray, carbon dioxide, or other system approved by a nationally recognized testing laboratory for this purpose.</b>			

R 408.41865 ~~Flammables and combustibles; outside~~ **Outside** storage.

Rule 1865. (1) Containers of flammable ~~and combustible~~ liquids with not more than 60 gallons in each container shall not be stored in excess of 1,100 gallons in any outside storage area.

(2) Portable tanks stored outside shall not be closer than 20 feet from any building. Two or more portable tanks, grouped together, having a combined capacity in excess of 2,200 gallons, shall be separated by a 5-foot clear area. Individual portable tanks exceeding 1,100 gallons shall be separated by a 5-foot clear area. **Piles or groups of containers shall be separated by a 5-foot clearance.**

(3) Within 200 feet of each portable tank, there shall be a 12-foot wide access way to permit approach of fire control apparatus.

(4) A flammable ~~and combustible~~ liquid in an outdoor storage area shall be stored not less than 20 feet from a building.

(5) Within 200 feet of each pile or group of flammable ~~or combustible~~ containers, a 12-foot wide access way shall be maintained to permit the approach of fire control equipment.

(6) An outside storage area for flammable ~~and combustible~~ liquids shall be graded in a manner to divert a possible spill away from a building or other hazard, or shall be surrounded by a curb or earth dike not less than 12 inches high.

When a curb or dike is used, provisions shall be made to drain off accumulations of water or a spill of a flammable ~~or combustible~~ liquid in such a manner that the spill cannot create a hazard for an employee. The drains shall terminate in a location that will not create another hazard.

(7) An outside storage area for flammable ~~or combustible~~ liquid shall be kept free of weeds, papers, debris, and other combustibles not necessary to the storage.

(8) An above ground tank or loading operation shall not be installed closer than 25 feet plus 1 inch per 1,000 volts, measured horizontally, from the center line of electric power lines, or under an electric power line, except that service entrance and service lines may be closer than 25 feet but not over the

tanks or loading area. This prohibition shall not apply to a fuel oil tank with up to a 275-gallon individual capacity or a 550-gallon aggregate capacity that is used for heating purposes.

(9) A flammable or combustible liquid outdoor storage area shall not occupy any area used as a means of egress.

**(10) Underground tanks shall not be abandoned.**

R 408.41866 ~~Portable tanks and emergency venting. Emergency venting of outside portable tanks.~~

Rule 1866. (1) A portable tank that has a capacity of 660 gallons or less of flammable ~~or combustible~~ liquid shall be in compliance with **emergency venting and other devices, as required by** chapters III, IV, and V of The National Fire Protection Association Standard NFPA 30, "Flammable and Combustible Liquids Code," 1996 edition, which is adopted by reference in R 408.41802.

(2) A portable tank ~~and its piping system~~ that has a capacity of more than 660 gallons of flammable or combustible liquid shall **have emergency venting and other devices, as required by** ~~be designed, constructed, and tested as prescribed in~~ chapters II and III of The National Fire Protection Association Standard NFPA 30, "Flammable and Combustible Liquids Code," 1996 edition, which is adopted by reference in R 408.41802.

**(3) An employer shall contact the Michigan department of licensing and regulatory affairs, bureau of fire services, storage tank division, for additional rules concerning the installation, use, and storage of liquefied petroleum gases. The storage tank division can be reached at 3101 Technology Blvd, Suite H, Lansing, Michigan, 48910; telephone number: 517.335.7211 or via the internet at website: [www.michigan.gov/storagetanks](http://www.michigan.gov/storagetanks)**

R 408.41867 ~~Flammable and combustible liquids; dispensing.~~ **Dispensing.**

Rule 1867. (1) An area where a flammable ~~or combustible~~ liquid is transferred at ~~1 one~~ time, in a quantity of more than 5 gallons from ~~1 one~~ tank or container to another tank or container, shall be separate from other operations or a building by a distance of 25 feet or by a wall not less than 5 feet high having a fire resistance of not less than 1 hour.

(2) Provisions shall be made to neutralize spills of flammable ~~and combustible~~ liquids. Natural or mechanical ventilation shall be capable of maintaining vapor below 10% of the lower explosive limit.

(3) Transfer of a **category 1, 2, or 3** flammable ~~and combustible~~ liquid from ~~1 one~~ container to another shall be done only when the containers are electrically bonded.

(4) A flammable ~~or combustible~~ liquid shall be transferred from or drawn into containers by 1 of the following:

(a) Through a closed piping system.

(b) From a safety can.

(c) By a device drawing through the top from a closed container or portable tank, by gravity or a pump, through a self-closing valve. Air pressure shall not be used.

(5) A dispensing device, hose, and nozzle **for category 1, 2, or 3 flammable liquids** shall be an approved **type**. ~~type and the dispensing unit shall be protected from collision damage. The nozzle shall be an automatic closing type without a latch open device.~~

**(6) The dispensing units shall be protected from collision damage.**

R 408.41868 ~~Flammable and combustible liquids; handling~~ **Handling** at point of use.

Rule 1868. (1) Not more than 1 day's supply, but not to exceed 25 gallons of flammable ~~or combustible~~ liquid, shall be permitted to stand outside a cabinet at a place of usage.

(2) A **category 1, 2, or 3 flammable or combustible liquid** shall not be used where there is an open flame or source of ignition within 50 feet of the ~~liquid~~. **liquid, unless conditions warrant greater clearance.**

(3) Leakage or spillage of a flammable or combustible liquid shall be disposed of without creating another hazard.

(4) **Natural or mechanical ventilation capable of maintaining the vapor below 10% of the lower explosive limit shall be provided and used when a flammable liquid is used or handled.** ~~An open container containing a flammable liquid shall be equipped with a cover that has a fused link which will automatically close if the liquid is ignited.~~

(5) **Category 1, 2, or 3 flammable liquids shall be kept in closed containers when not in use.** ~~Natural or mechanical ventilation capable of maintaining the vapor below 10% of the lower explosive limit shall be provided and used when a flammable liquid is used or handled.~~

~~(6) Flammable liquids shall be kept in closed containers when not in use.~~

R 408.41869 ~~Flammable and combustible liquids; service~~ **Service** and refueling areas.

Rule 1869. (1) A tank truck shall be designed, constructed, and maintained as prescribed in The National Fire Protection Association Standard NFPA 385 "Standard For Tank Vehicles For Flammable ~~and~~ **And** Combustible Liquids," 1990 edition, which is adopted by reference in R 408.41802.

(2) **The dispensing hose shall be an approved type.** ~~An emergency switch that is clearly identified and accessible shall be available to shut off all power to all dispensing devices in an emergency and shall be in a location that is remote from the dispensing device.~~

(3) **The dispensing nozzle shall be an approved automatic-closing type without a latch-open device.** ~~Sources of ignition, such as smoking, open flame, cutting and welding, frictional heat, sparks, and heating equipment, shall not be permitted within 25 feet in any direction of where an internal combustion engine is fueled or where a flammable or combustible liquid is dispensed. A warning sign shall be posted as prescribed in construction safety standard Part 22 >Signals, Signs, Tags, and Barricades,= being R 408.42201 et seq. which is referenced in R 408.41802. The motor of any equipment being fueled shall be shut off during the fueling operation.~~

(4) **An emergency switch that is clearly identified and accessible shall be available to shut off all power to all dispensing devices in an emergency and shall be in a location that is remote from the dispensing device.**

(5) **Sources of ignition, such as smoking, open flame, cutting and welding, frictional heat, sparks, and heating equipment, shall not be permitted within 25 feet in any direction of where an internal combustion engine is fueled or where a flammable liquid is dispensed.**

(6) **A warning sign prohibiting smoking shall be posted as prescribed in Construction Safety Standard Part 22 "Signals, Signs, Tags, and Barricades," as referenced in R 408.41802.**

(7) **The motor of any equipment being fueled shall be shut off during the fueling operation.**

(8) **Flammable liquids shall be stored in approved closed containers, in tanks located underground, or in aboveground portable tanks.**

## **LIQUEFIED PETROLEUM GAS**

R 408.41871 **Rescinded.** ~~Liquefied petroleum gas.~~

Rule 1871. (1) ~~The storage and handling of L.P.G. shall be as prescribed in The National Fire Protection Association Standards, NFPA 58 "Storage and Handling of Liquefied Petroleum Gases," 1992 edition; NFPA 52 "The Compressed Natural Gas Vehicular Fuel Systems," 1992 edition; and~~

NFPA 59A "Production, Storage and Handling of Liquefied Natural Gas," 1990 edition. The standards are adopted by reference in R 408.41802.

(2) An employer shall also contact the Michigan department of environmental quality, storage tank division, for additional rules concerning the installation, use, and storage of liquefied petroleum gases. The storage tank division can be reached at The Town Center, 333 South Capital, Lansing, Michigan, 48909-7657 or via website: [www.michigan.gov/deq](http://www.michigan.gov/deq)

R 408.41872 **Rescinded.** ~~L.P. pipe, fittings, and hose.~~

Rule 1872. Piping, pipe and tubing fittings, and valves used to supply utilization equipment within the scope of this standard shall be acceptable for services as approved by the manufacture of the equipment.

R 408.41874 L.P. gas appliances.

Rule 1874. (1) **LP-Gas consuming appliances shall be approved types.** ~~L.P. gas consuming appliances shall be approved types, which have been manufactured for L.P. gas, or if an appliance is converted or adapted to L.P. gas service, the appliance shall be tested for performance by a knowledgeable employee or outside service before use.~~

(2) **Any appliance that was originally manufactured for operation with a gaseous fuel other than LP-Gas, and is in good condition, may be used with LP-Gas only after it is properly converted, adapted, and tested for performance with LP-Gas before the appliance is placed in use.** ~~Each system shall have containers, valves, connectors, manifold valve assemblies, and regulators of an approved type.~~

R 408.41875 L.P. containers and equipment.

Rule 1875. (1) Containers in use shall be in compliance with all of the following provisions:

(a) Each system shall have containers, valves, connectors, manifold valve assemblies, and regulators of an approved type.

~~(b) Containers of more than 2 1/2 pounds water capacity shall be equipped with a shutoff valve and excess flow valve.~~

~~(c) Valves on containers shall be protected against physical damage.~~

~~(d) Containers that have a water capacity of more than 2 1/2 pounds shall stand on a firm and substantially level surface. If necessary, the containers shall be secured in an upright position.~~

~~(e) Regulators, if used, shall be suitable for use with L.P. gas. Manifolds and fittings connecting containers to pressure regulator inlets shall be designed for not less than 250 psig service pressure.~~

~~(f) Piping, fittings, and hose shall be in compliance with R 408.41872.~~

~~(b)(g)~~ Filling of fuel containers for trucks or motor vehicles from bulk storage containers shall be performed not less than 10 feet from the nearest **masonry-walled** ~~masonrywalled~~ building, or not less than 25 feet from the nearest building or other construction and, in any event, not less than 25 feet from any building opening.

~~(c)(h)~~ Filling of portable containers or containers mounted on skids from storage containers shall be performed not less than 50 feet from the nearest building.

~~(i) The maximum water capacity of individual containers shall be 245 pounds (nominal 100 pounds L.P. gas capacity).~~

~~(d)(j)~~ All of the following provisions apply to multiple container systems:

(i) Valves in the assembly of multiple container systems shall be arranged so that replacement of containers can be made without shutting off the flow of gas in the system. This provision shall not be construed as requiring an automatic changeover device.



(ii) Heaters shall be equipped with an approved regulator in the supply line between the fuel cylinder and the heater unit. Cylinder connectors shall be provided with an excess flow valve to minimize the flow of gas in the event the fuel line becomes ruptured.

(iii) Regulators and low-pressure relief devices shall be rigidly attached to the cylinder valves, cylinders, supporting standards, the building walls, or otherwise rigidly secured, and shall be so installed or protected from the elements.

**(2) When damage to LP-Gas systems from vehicular traffic is a possibility, the employer shall ensure that precautions against such damage are taken.** ~~Containers may be used in unoccupied portions of a building during the hours of the day that the public normally is in the building in accordance with all of the following provisions:~~

~~(a) The maximum water capacity of individual containers shall be 50 pounds (nominal 20 pounds L.P. gas capacity) and the number of containers in the building shall not exceed the number of workmen assigned to using L.P. gas.~~

~~(b) Containers that have a water capacity of more than 2 1/2 pounds (nominal 1 pound L.P. gas capacity) shall not be left unattended.~~

~~(c) During the hours of the day when the building is not open to the public, containers may be used as prescribed in subrule (1) of this rule; however, containers that have a water capacity of more than 2 1/2 pounds shall not be left unattended.~~

**(3) Piping, pipe and tubing fittings, and valves used to supply utilization equipment within the scope of this standard shall be acceptable for services as approved by the manufacture of the equipment.**

**(4) Welding is prohibited on containers.**

**(5) Valves, fittings, and accessories connected directly to the container, including primary shut off valves, shall have a rated working pressure of at least 250 p.s.i.g. and shall be of material and design suitable for LP-Gas service.**

**(6) Connections to containers, except safety relief connections, liquid level gauging devices, and plugged openings, shall have shutoff valves located as close to the container as practicable.**

**(7) All cylinders shall meet the provisions of the Department of Transportation Title 49 C.F.R. Part 178, "Shipping Container Specifications," as adopted in R 408.41802.**

**(8) When operational requirements make portable use of containers necessary, and their location outside of buildings or structures is impracticable, containers and equipment shall be permitted to be used inside of buildings or structures in accordance with R 408.41884 (12), (13), and (16), and the following rules:**

**(a) Systems utilizing containers having a water capacity greater than 2 1/2 pounds, nominal 1 pound LP-Gas capacity, shall be equipped with excess flow valves. Such excess flow valves shall be either integral with the container valves or in the connections to the container valve outlets.**

**(b) Regulators shall be either directly connected to the container valves or to manifolds connected to the container valves. The regulator shall be suitable for use with LP -Gas. Manifolds and fittings connecting containers to pressure regulator inlets shall be designed for not less than 250 p.s.i.g. service pressure.**

**(c) Valves on containers having water capacity greater than 50 pounds, nominal 20 pounds LP-Gas capacity, shall be protected from damage while in use or storage.**

**(d) Aluminum piping or tubing shall not be used.**

**(e) Hose shall be designed for a working pressure of at least 250 p.s.i.g. Design, construction, and performance of hose, and hose connections shall have their suitability determined by listing by a nationally recognized testing agency. The hose length shall be as short as practicable. Hoses shall be long enough to permit compliance with spacing provisions of this rule and R 408.41884 (6), (7),**

(8), (12), (13), and (16), without kinking or straining, or causing hose to be so close to a burner as to be damaged by heat.

(f) Containers having a water capacity greater than 2 1/2 pounds, nominal 1 pound LP-Gas capacity, connected for use shall stand on a firm and substantially level surface and, when necessary, shall be secured in an upright position.

(g) The maximum water capacity of individual containers shall be 245 pounds (nominal 100 pounds L.P. gas capacity).

R 408.41876 **Rescinded.** ~~Piping liquid or vapor L.P. gas into buildings and structures.~~

~~Rule 1876. The piping of liquid or vapor L.P. gas into buildings that are under construction or major renovation shall be in compliance with all of the following provisions:~~

~~(a) Piping used at pressures higher than container pressure shall be suitable for a working pressure of not less than 350 250 psig.~~

~~(b) Liquid piped at container pressure or lower shall be suitable for a working pressure of not less than 250 psig.~~

~~(c) Vapor L.P. gas that has an operating pressure of more than 125 psig shall be suitable for a working pressure of not less than 250 psig.~~

~~(d) Vapor piped at a pressure of not more than 125 psig shall be suitable for a working pressure of not less than 125 psig.~~

~~(e) Metallic pipe joints may be threaded, flanged, welded, or brazed.~~

~~(f) Joints shall be made with a material that has a melting point of 1,000 degrees Fahrenheit.~~

~~(g) When joints are threaded or threaded and back welded for vapors of liquid at pressures of more than 125 psig, schedule 80 or heavier pipe shall be used; however, at pressures of less than 125 psig, schedule 40 or heavier pipe may be used.~~

~~(h) Piping, if welded, shall be made with a suitable type of welding fittings and shall be at least schedule 40 pipe.~~

~~(i) Piping shall not be more than 3/4 inch pipe interior diameter. Type K or L copper tubing which is in compliance with section 232 of The National Fire Protection Association Standard NFPA 58, "Storage And Handling Of Liquefied Petroleum Gases," 1992 edition, which is adopted by reference in R 408.41802, and which has a maximum 3/4 inch pipe outside diameter may be used.~~

~~(j) Piping shall be securely fastened to walls or other surfaces, protected against physical damage, and located to avoid high temperatures.~~

~~(k) A shutoff valve shall be located at each branch line where it leaves the main line. A second shutoff valve shall be located at the appliance end of the branch and upstream of any flexible appliance connector.~~

~~(l) Excess flow valves shall be installed where pipe size is reduced.~~

~~(m) Hydrostatic relief valves shall be installed in liquid lines between shutoff valves.~~

~~(n) All piping and fittings shall be in compliance R 408.41872.~~

R 408.41877 Storage of ~~portable~~ LPG containers.

Rule 1877. (1) This rule applies to the storage of portable containers whether filled or empty if they have been in service.

(2) Storage of L.P. gas within buildings is prohibited.

(3) Storage outside of buildings, for containers awaiting use, shall be located away from the nearest building or group of buildings as specified in table 4.

(4) Table 4 reads as follows:

TABLE 4

QUANTITY OF L.P. GAS STORED	DISTANCE (FEET) FROM A BUILDING
500 lbs. or less	0
501 to 6,000 lbs.	10
6,001 to 10,000 lbs.	20
over 10,000 lbs.	25

(5) Containers shall be stored within a suitable ventilated enclosure or otherwise protected against tampering, and located as specified in table 4.

(6) When L.P. gas and 1 or more other gases are stored or used in the same area, the containers shall be marked to identify their content. Marking shall be in compliance with The Compressed Gas Association Standard CGA C7 "Guide To The Preparation Of Precautionary Labeling And Marking Of Compressed Gas Containers," 2000 edition, which is adopted by reference in R 408.41802.

**R 408.41877a Systems utilizing containers other than DOT containers.**

**Rule 1877a. (1) This rule apply specifically to systems utilizing storage containers other than those constructed in accordance with DOT specifications. R 408.41875(4) applies to this rule unless otherwise noted in R 408.41875(4).**

**(2) Storage containers shall be designed and classified in accordance with Table 5.**

<b>TABLE 5</b>			
<b>Container Type</b>	<b>For gases with vapor press. Not to exceed lb. per sq. in. gage at 100 deg. F. (37.8 deg. C.)</b>	<b>MINIMUM DESIGN PRESSURE OF CONTAINER, LB. PER SQ. IN. GAGE</b>	
		<b>1949 and earlier editions of ASME Code (Par. U-68, U-69)</b>	<b>1949 edition of ASME Code (Par. U-200, U-201); 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division 1) editions of ASME Code; All editions of API-ASME Code(3)</b>
<b>80(1)</b>	<b>80(1)</b>	<b>80 (1)</b>	<b>100 (1)</b>
<b>100</b>	<b>100</b>	<b>100</b>	<b>125</b>
<b>125</b>	<b>125</b>	<b>125</b>	<b>156</b>
<b>150</b>	<b>150</b>	<b>150</b>	<b>187</b>
<b>175</b>	<b>175</b>	<b>175</b>	<b>219</b>
<b>200(2)</b>	<b>215</b>	<b>200</b>	<b>250</b>
<b>Footnote(1) New storage containers of the 80 type have not been authorized since Dec. 31, 1947.</b>			
<b>Footnote(2) Container type may be increased by increments of 25.</b> <b>The minimum design pressure of containers shall be 100 percent of the container type designation when constructed under 1949 or earlier editions of the ASME Code (Par. U-68 and U-69).</b> <b>The minimum design pressure of containers shall be 125 percent of the container type designation when constructed under: (1) the 1949 ASME Code (Par. U-200 and U-201), (2) 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division 1) editions of the ASME Code, and (3) all editions of the API-ASME Code.</b>			
<b>Footnote(3) Construction of containers under the API-ASME Code is not authorized after July 1, 1961.</b>			

(3) Containers with foundations attached, portable or semiportable b containers with suitable steel "runners" or "skids" and popularly known in the industry as "skid tanks," shall be designed, installed, and used in accordance with these rules subject to the following provisions:

(a) If they are to be used at a given general location for a temporary period not to exceed 6 months they need not have fire-resisting foundations or saddles but shall have adequate ferrous metal supports.

(b) They shall not be located with the outside bottom of the container shell more than 5 feet, (1.52 m,) above the surface of the ground unless fire-resisting supports are provided.

(c) The bottom of the skids shall not be less than 2 inches, (5.08 cm,) or more than 12 inches, (30.48 cm,) below the outside bottom of the container shell.

(d) Flanges, nozzles, valves, fittings, and the like, having communication with the interior of the container, shall be protected against physical damage.

(e) When not permanently located on fire-resisting foundations, piping connections shall be sufficiently flexible to minimize the possibility of breakage or leakage of connections if the container settles, moves, or is otherwise displaced.

(f) Skids, or lugs for attachment of skids, shall be secured to the container in accordance with the code or rules under which the container is designed and built, with a minimum factor of safety of 4, to withstand loading in any direction equal to 4 times the weight of the container and attachments when filled to the maximum permissible loaded weight.

(4) Field welding where necessary shall be made only on saddle plates or brackets that were applied by the manufacturer of the tank.

R 408.41878 **Rescinded.** ~~Location of containers.~~

~~Rule 1878. (1) Located as to minimize exposure to excessive temperature rise, physical damage, or tampering.~~

~~(2) Containers having greater than 2-1/2 pounds water capacity shall be positioned so that the safety relief valve is in direct communication with the vapor space of the container.~~

~~(3) Containers not connected for use shall not be stored on roofs.~~

~~(4) Provisions shall be made to prohibit containers from falling over the edge of openings or roofs.~~

~~(5) Containers with a maximum water capacity of 2-1/2 pounds may be used in buildings as a part of an approved self-contained torch assembly.~~

R 408.41879 **Rescinded.** ~~Container valve protection.~~

~~Rule 1879. Screw-on type caps or collars shall be securely in place on all stored containers regardless of whether they are full, partially full, or empty and container outlets shall be closed.~~

R 408.41881 **Rescinded.** ~~Temporary buildings.~~

~~Rule 1881. (1) A temporary building shall not be erected where it will adversely affect a means of egress.~~

~~(2) A temporary building erected within another building shall be constructed of noncombustible material or material having a fire resistance rating of not less than 1 hour.~~

~~(3) A temporary building, except an enclosure used to house a hoist operator, located outside another building shall be located not less than 10 feet from a building or structure. A group of temporary buildings not exceeding 2,000 square feet in aggregate shall, for the purposes of this part, be considered a single temporary building.~~

R 408.41882 **Rescinded.** ~~Open yard storage; combustible materials.~~

~~Rule 1882. (1) Combustible materials stored in an open yard shall be in piles not more than 20 feet high and located not less than 10 feet from a building or structure.~~

~~(2) A driveway in combustible material storage area shall be spaced so that a grid system unit of not more than 50 by 150 feet is produced. A driveway between piles of combustible material shall be not less than 15 feet wide.~~

~~(3) Housekeeping in an open yard storage area shall include keeping rubbish, weeds, and scrap material picked up.~~

~~(4) Piling of combustible material in an open yard is prohibited where a danger of underground fire exists.~~

R 408.41883 **Rescinded.** ~~Indoor storage.~~

~~Rule 1883. (1) A path of travel to an exit shall not be blocked by the storage of material.~~

~~(2) Incompatible materials shall be separated by a distance of not less than 50 feet or a barrier having a fire resistance of not less than 1 hour.~~

~~(3) Aisle width shall be maintained to safely accommodate the widest vehicle that may be used within that part of the structure for fire fighting purposes.~~

~~(4) Unless separated by a barrier, a clearance around the path of travel of a fire door shall be not less than 2 feet. Material shall not be stored within 36 inches of a fire door opening.~~

~~(5) Material shall be piled in a manner so as to prevent the spread of fire and to permit access for fire fighting.~~

~~(6) A clearance of not less than 3 feet shall be maintained between stored material and sprinklers.~~

~~(7) Clearance shall be maintained around lights and heating units to prevent ignition of a flammable or combustible material and liquids.~~

~~(8) Materials shall be stored, handled, and piled with due regard to their fire characteristics.~~

## **TEMPORARY HEATING DEVICES**

R 408.41884 Heating devices.

Rule 1884. (1) **Fresh air shall be supplied in sufficient quantities to maintain the health and safety of workmen. Where natural means of fresh air supply is inadequate, mechanical ventilation shall be provided.** ~~A temporary heating device shall not produce combustion products that will increase the air contaminants above the maximum allowable limits established by the Construction Safety and Health Division of the Michigan department of licensing and regulatory affairs.~~

(2) **When heaters are used in confined spaces, special care shall be taken to provide sufficient ventilation in order to ensure proper combustion, maintain the health and safety of workmen, and limit temperature rise in the area.** ~~A heating device, including a temporary heating device, shall be located at a distance sufficient to prevent ignition of any material in its proximity or the material shall be insulated.~~

(3) A temporary heating device shall not be located less than 50 feet from a point where a flammable or combustible liquid is used or dispensed.

(4) A temporary heating device that is set on a combustible floor shall be separated from the floor by an insulating material or 1 inch of concrete. The insulating material shall extend not less than 2 feet beyond the heater in all directions.

(5) A temporary heating device shall be located not less than 10 feet from a combustible covering, such as, but not limited to, canvas or tarpaulins, unless the covering is fastened to prevent its dislodgement due to wind action.

(6) A temporary heating device using L.P. gas, other than in an integral heater-container unit, shall be located not less than 6 feet from any L.P. gas container.

(7) Integral heaters may be used if designed and installed so as to prevent direct or radiant heat application to the container.

(8) Blower-and radiant-type units shall not be directed toward any L.P. gas container that is less than 20 feet away.

(9) If 2 or more heater units are located within the same unpartitioned area, then the containers of each unit shall be separated from the containers of any such other unit by not less than 20 feet.

(10) If containers are manifolded together and serve 1 heater on the same floor, then the total water capacity of the containers shall not be more than 735 pounds (nominal 300 pounds L.P. gas capacity). If more than 1 such manifold is used they shall be separated by not less than 20 feet.

~~(11) On floors on which no heaters are connected for use, containers may be manifolded together if the total water capacity is not more than 2,450 pounds (nominal 1,000 pounds L.P. gas capacity). Manifolds of more than 735 pounds water capacity shall be separated by not less than 50 feet.~~

~~(11)~~(12) Heating devices, including portable heaters and salamanders using a liquid flammable fuel such as, but not limited to, fuel oil or kerosene, shall be equipped with an approved automatic shutoff safety control device which will, in the event of flame failure, shut off the flow of fuel to the main burner and pilot if used. The device shall not be relit while the combustion chamber is hot.

~~(12)~~(13) Portable heaters including salamanders ~~that have~~ **shall be equipped with an approved automatic device to shut off the flow of gas to the main burner, and pilot if used, in the event of flame failure. Such heaters, having** inputs above 50,000 British thermal unit's (B.T.U.) per hour, shall be equipped with either a pilot, that is lighted and proved before the main burner can be turned on, or an electric ignition ~~system. system, except the provisions of this rule do not apply to any of the following:~~

~~(a) NOTE: The provisions of this rule do not apply to tar Tar~~ kettles, hand torches, melting pots, or portable heaters of less than 7,500 British thermal unit's (B.T.U.), if used with 2 1/2 pound containers.

~~(b) Manufactured tent heaters, as utilized by, and in applications common to, public utilities or telecommunication companies, with 12,000 British Thermal Unit's (B.T.U.) input or less, when used out of doors and if constantly attended.~~

~~(13)~~(14) A temporary heating device shall be installed horizontally level.

~~(14)~~(15) A solid fuel salamander shall not be used in a building or on a scaffold.

~~(15)~~(16) L.P. gas containers valves, connectors, regulators and manifolds, piping, and tubing shall not be used as structural supports for heaters and shall be located to minimize exposure to high temperatures or physical damage.

~~(16)~~(17) A heating device, including a temporary heating device, designed for barometric or gravity oil feed shall be used only with an integral tank.

~~(17)~~(18) Heaters specifically designed and approved for use with separate supply tanks may be connected for gravity feed, or an automatic pump, from a supply tank.

~~(18)~~(19) **Heating equipment of an approved type may be installed in the lubrication or service area where there is no dispensing or transferring of category 1, 2, or 3 flammable liquids, provided the bottom of the heating unit is at least 18 inches above the floor and is protected from physical damage. L.P. containers may be used in buildings for temporary emergency heating as provided in this rule and the equipment shall not be left unattended.**

**(19) Heating equipment installed in lubrication or service areas, where category 1, 2, or 3 flammable liquids are dispensed, shall be of an approved type for garages and shall be installed at least 8 feet above the floor.**

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**ADMINISTRATIVE RULES**

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY STANDARDS

Proposed draft December 10, 2014

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154, MCL 408.1019 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.42701 of the Michigan Administrative Code is amended, R 408.42705 and R 408.442710 are added, and R 408.42724, R 408.42725, R 408.42726, R 408.42727, R 408.42728, R 408.42731, R 408.42732, R 408.42733, R 408.42734, R 408.42735, R 408.42737, R 408.42741, R 408.42742, R 408.42743, R 408.42744, R 408.42751, R 408.42752, R 408.42753, R 408.42754, R 408.42755, R 408.42757, R 408.42758, R 408.42759, R 408.42761, R 408.42762, R 408.42763, R 408.42799 are rescinded, as follows:

**PART 27. BLASTING AND USE OF EXPLOSIVES**

**R 408.42701 Scope.**

Rule 2701. This part provides for the training and **qualifications** ~~testing~~ of employees and for the storage, transport, and use of blasting materials for construction operations. This part also provides for the protection of other employees while working within a blast area.

**R 408.42705 Adoption of standards by reference.**

**Rule 2705. (1) The federal occupational safety and health administration (OSHA) regulations from the Code of Federal Regulations 1926 Subpart U “Blasting and Use of Explosives,” 29 C.F.R. §1926.900 to 29 C.F.R. §1926.914 are adopted by reference in these rules.**

**(2) The adopted federal regulations shall have the same force and effect as a rule promulgated under 1974 PA 154, MCL 408.1001 to 408.1094.**

**R 408.42710 Availability of adopted rules.**



**Rule 2710.** (1) The standards adopted in these rules are available from the United States Department of Labor, Occupational Safety and Health Administration website: [www.osha.gov](http://www.osha.gov), at no charge, as of the time of adoption of these rules.

(2) The standards adopted in these rules are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.

(3) The standards adopted in these rules may be obtained from the publisher or may also be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

**R 408.42724 Rescinded. Definitions; B, C.**

~~Rule 2724. (1) "Blast area" means the area of a blast, including the area immediately adjacent, within the influence of flying rock missiles.~~

~~(2) "Blaster" means an employee who is authorized by the employer to use explosives for blasting purposes, who carries a permit to use explosives for blasting purposes, issued by the employer as required by R 408.42732 of this part, and who meets the qualifications of R 408.42731 of this part.~~

~~(3) "Blasting agent" means any material or mixture of a fuel and an oxidizer which is used for blasting, but which is not classified as an explosive, and in which none of the ingredients are classified as explosives, if the mixed product cannot be detonated with a no. 8 test blasting cap when unconfined.~~

~~(4) "Blasting cap" means a metallic capsule which contains an initiating explosive and base charge, which is open at the upper end to accept a section of safety fuse, and which is used for initiating the primer or main charge. A "blasting cap" is also referred to as a fuse cap, regular, or ordinary blasting cap.~~

~~(5) "Blasting machine" means an electrical or electromechanical device which provides electrical energy for the purpose of energizing electric blasting caps.~~

~~(6) "Blasting materials" means the explosives and other materials needed to produce a blast.~~

~~(7) "Conveyance" means a mechanical device with not less than 4 wheels which is used to transport blasting materials underground horizontally.~~

**R 408.42725 Rescinded. Definitions; D to M.**

~~Rule 2725. (1) "Detonating cord" means a flexible cord containing a center core of high explosive and used to detonate other explosives.~~

~~(2) "Detonator" means any device containing a detonating charge that is used for initiating detonation in an explosive. The term includes, but is not limited to, all of the following:~~

~~(a) Electric blasting caps of instantaneous and delay types.~~

~~(b) Blasting caps for use with safety fuses.~~

~~(c) Detonating cord delay connectors.~~

~~(d) Non-electric instantaneous delay blasting caps.~~

~~(3) "Electric blasting cap" means a blasting cap designed for, and capable of, initiation by means of an electric current.~~

~~(4) "Electric blasting circuitry" means a series, parallel, or series-in-parallel circuit used to distribute electrical energy by 1 or more of the following:~~

~~(a) "Bus wire" means 2 wires that form an extension of the lead line and connecting wire and common to all caps in parallel. In parallel firing, each of the 2 wires of each electric blasting cap is connected to a different bus wire. For series in parallel firing, each side of the series is connected to a different bus wire.~~

~~(b) "Connecting wire" means a wire of smaller gage than leading wire and used or connecting to lead lines or extending electric blasting cap leg wires from one borehole to another.~~

- (c) ~~"Lead wire" means the wire connecting the electrical power source with the electric blasting cap circuit.~~
- (d) ~~"Permanent blasting wire" means a permanently mounted, insulated wire which is used between the electric power source and the electric blasting cap circuit.~~
- (5) ~~"Electric delay blasting cap" means electric blasting caps with a build-in delay mechanism that delays the cap detonation from the application of current in predetermined time intervals from milliseconds up to about 1/2 to 1 second between successive nominal delay periods.~~
- (6) ~~"Explosives" means any chemical compound, mixture, or device whose primary purpose is to function by explosion; that is, substantially instantaneous decomposition with the release of gas and heat. Dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, blasting caps, blasting agents, and detonating primers are examples of explosives.~~
- (7) ~~"Magazine" means any building, structure, or box, that is approved for the storage of explosive materials.~~
- (8) ~~"Misfire" means an explosive material charge that fails to detonate after an attempt at initiation.~~
- (9) ~~"Mud capping" means a mud covered or unconfined explosive charge fired in contact with a rock surface without the use of a borehole. The term is synonymous with the terms "adobe charge" and "bulldoze."~~

**R 408.42726 Rescinded. Definitions; N to S.**

Rule 2726. (1) ~~"Non-electric delay device" means a detonator with an integral delay element used in conjunction with, and capable of being initiated by, a detonating impulse.~~

(2) ~~"Primer" means a unit, package, or cartridge of explosives which is used to initiate other explosives or blasting agents and which contains detonator or a detonating cord to which is attached a detonator designed to initiate the detonating cord, which is inserted or attached at the time of use.~~

(3) ~~"Safety fuse" means a flexible cord containing an internal burning medium by which fire or flame is conveyed at a continuous and uniform rate from the point of ignition to the point of use, usually a detonator.~~

(4) ~~"Stemming" means an inert material placed in a borehole after the explosive for the purpose of confining explosive materials or to separate charges of explosive material in the same borehole.~~

(5) ~~"Springing" means the practice of enlarging the bottom of a blast hole by the use of a relatively small charge of explosive material. This practice is typically used in order that a larger charge of explosive material can be loaded in a subsequent blast in the same borehole.~~

**R 408.42727 Rescinded. Employer responsibilities.**

Rule 2727. (1) ~~Before authorizing and issuing a permit to an employee to work with explosives, an employer shall train an employee in the proper method of handling, transporting, and using an explosive and shall instruct the employee in the applicable rules of this part. The employee shall be known as a blaster.~~

(2) ~~An employer shall not allow an employee to handle, transport, or use an explosive while the employee is under the influence of intoxicating beverages, narcotics, or similar types of drugs.~~

(3) ~~An employer shall establish, post, and make known to all employees at the work site, a method or code of blasting signals which are as effective as the signals listed in table 1. An employee who is not able to hear the blasting signal shall not be permitted in the blast area.~~

(4) ~~An employer shall provide and maintain signs that identify a blast area at all approaches to the area. The signs shall be as prescribed in rule 2233 of Part 22. Signals, Signs, Tags, and Barricades, being~~

~~R 408.42233 of the Michigan~~

~~Administrative Code, except that the lettering shall not be less than 4 inches in height. Rule 2752 of this part covers the use of signs where radio transmitters create a hazard.~~

(5) Table 1 reads as follows:

TABLE 1

Warning signal	<del>A 1 minute series of long audible sounds 5 minutes before the blast signal.</del>
Blast signal	<del>A series of short sounds 30 seconds before the blast.</del>
All clear signal	<del>A prolonged sound following inspection of the blast area.</del>

R 408.42728 **Rescinded.** Employee responsibilities.

~~Rule 2728. (1) An employee shall not handle, transport, or use an explosive unless the employee has received training in, and is authorized to work with, explosives or is under the supervision of the blaster. (2) An employee shall not handle, transport, or use an explosive while under the influence of intoxicating beverages, narcotics, or similar type drugs. (3) An employee who drives a vehicle carrying an explosive shall have a knowledge of and follow federal and state rules and regulations governing the transportation of explosives. (4) An employee shall use the method or code of blasting signals prescribed in R 408.42727(3) of this part.~~

R 408.42731 **Rescinded.** Employee qualifications.

~~Rule 2731. (1) An employee who handles, transports, or uses an explosive shall meet all of the following requirements:~~

- ~~(a) Have a corrected vision of not less than 20/40 acuity.~~
- ~~(b) Have the physical strength and coordination to do the assigned task.~~
- ~~(c) Be free from known convulsive disorders and episodes of unconsciousness.~~
- ~~(d) Be able to hear and understand conversational levels of sound in an ordinary office environment.~~
- ~~(e) Be able to understand signs, labels, and instructions and be able to follow written or oral orders.~~
- ~~(f) Be able to distinguish colors.~~
- ~~(2) A blaster shall be qualified by reason of training, knowledge, or experience in the field of transporting, storing, handling, and using explosives and shall have a working knowledge of federal, state, and local laws, rules, and regulations pertaining to explosives.~~
- ~~(3) A blaster shall be required to furnish satisfactory evidence of his or her competence in handling explosives and his or her ability to perform the type of blasting that will be required in a safe manner.~~
- ~~(4) Before an employer allows an employee to handle, transport, or use an explosive, or to work as a trainee, the employee shall be trained in the hazards and safeguards of the employee's assigned job and shall be instructed in the requirements of this part.~~

R 408.42732 **Rescinded.** Permit to handle, transport, and use explosives; requirements.

~~Rule 2732. (1) A blaster shall obtain a permit to handle, transport, and use explosives issued by the employer.~~

~~(2) A permit shall contain, at a minimum, all of the following information:~~

(Name of Employer)	(Title)
(Name of Employee)	(Employee Signature)

“The above employee has received training in the handling, transportation, and use of explosives and applicable rules as required by the Michigan Construction Safety Standard, Part 27 Blasting and Use of Explosives.”

**RESTRICTIONS:**  
(list)

**DATE**  
**ISSUED:** \_\_\_\_\_

**EXPIRATION**  
**DATE:** \_\_\_\_\_  
(not to exceed 3 years)

**R 408.42733 Rescinded.** Blaster supervision of the storage, transportation, and use of explosives required; trainee supervision.

~~Rule 2733. (1) The storage, transportation, and use of an explosive material shall be directed and supervised by a competent employee who is experienced in the storage, transportation, and use of explosives. A person who is experienced in this field shall be known as a blaster.~~

~~(2) A trainee in the use of an explosive shall work under the direct supervision of the blaster.~~

**R 408.42734 Rescinded. Records of permits and explosives.**

~~Rule 2734. (1) An employer shall maintain periods of permits issued, including the date of issuance, and records of the type of explosives involved. The records of explosives shall contain all of the following information:~~

- (a) ~~Date of purchase.~~  
(b) ~~Place of purchase.~~  
(c) ~~Date of use.~~  
(d) ~~Quantity used.~~  
(e) ~~Balance on hand.~~  
(f) ~~Date, plant, and shift code.~~

~~(2) These records shall be maintained at the jobsite and shall be available for inspection.~~

**R 408.42735 Rescinded. Storage of explosives.**

~~Rule 2735. (1) An explosive shall be stored as prescribed in the commerce in explosives, 27 C.F.R. part 181, April 1979, as adopted by reference in R 408.42799(1) or as prescribed in section F 2703.0, storage of explosives, of the BOCA basic fire prevention code, 1984 edition, as adopted by reference in R 408.42799(4).~~

~~(2) A storage magazine shall be constructed and maintained as prescribed in chapter 3, aboveground storage of explosive materials, of NFPA standard no. 495-1982, as adopted by reference in R 408.42799(5).~~

- ~~(3) An explosive shall not be permanently stored in an underground area unless there is a minimum of 2 modes of exit from the area in which the magazine is located.~~
- ~~(4) An underground magazine shall be not less than 300 feet from a shaft, adit, caisson, or active underground work area.~~
- ~~(5) An underground magazine that contains detonators shall be located not less than 50 feet from a magazine which contains another explosive or blasting agent.~~

**R 408.42737 Rescinded. Explosives generally.**

- ~~Rule 2737. (1) A fire shall not be fought if there is an imminent danger of an explosion by an explosive due to the fire. Employees shall be removed to a safe area and employee entry to the fire area shall be prevented.~~
- ~~(2) Smoking, a spark, or a flame producing device, including a firearm, shall not be permitted within 50 feet of an explosive.~~
  - ~~(3) Precautions shall be taken when using an explosive in a congested area or in close proximity to a structure to contain the explosion by using mats or by other methods to control the throw of fragments which could cause injury to an employee.~~
  - ~~(4) An explosive shall not be used in the proximity of utility lines without the knowledge and consent of the utility firm.~~
  - ~~(5) Black powder shall not be used as an explosive.~~
  - ~~(6) The preparation of an explosive and blasting operations shall be stopped at the approach of and during an electrical storm. Employees shall be removed from the blast area.~~
  - ~~(7) If possible, a blasting operation aboveground shall be conducted between sunup and sundown.~~
  - ~~(8) A blasting agent or explosive shall not be abandoned.~~
  - ~~(9) Leaking or deteriorating explosives shall be destroyed under the immediate supervision or direction of the manufacturer.~~
  - ~~(10) Only a nonsparking tool shall be used in the handling of an explosive, except that a slitter may be used to open fiberboard cases if the slitter does not contact the metal fasteners of the casing.~~
  - ~~(11) An unused detonator and explosive shall be removed from the work place and shall be returned to the magazine.~~

**R 408.42741 Rescinded. Transport of explosives; vehicles.**

- ~~Rule 2741. (1) The storage compartment of a vehicle that is used for the transportation of more than 6,000 pounds of explosives shall be entirely enclosed and without windows. The doors of the storage compartment shall be equipped with strong hinges that are securely bolted on the inside and shall be provided with a padlock, which shall be kept locked when an explosive is carried in the vehicle. The entire vehicle body shall be constructed so that bolts, screws, nails, or any metal does not protrude on the inside of the vehicle.~~
- ~~(2) A vehicle that transports an explosive shall have signs which read "EXPLOSIVES" on all 4 sides and which have letters that are not less 5 inches high and white on a red background or shall have signs that conform to the provisions of 49 C.F.R. §§100 to 177, as adopted by reference in R 408.42799(2).~~
  - ~~(3) A vehicle that transports an explosive shall be equipped with a portable fire extinguisher which does not have less than a 2A10 BC rating and which is in operable condition. The vehicle driver shall be trained in the use of fire extinguishers.~~
  - ~~(4) A vehicle that is used to transport an explosive shall not be left unattended.~~
  - ~~(5) A vehicle that is used to transport an explosive shall be capable of carrying the imposed load and shall be in good mechanical condition. The imposed load shall not be more than the rated capacity of the vehicle.~~

~~(6) A vehicle that carries an explosive shall not be taken inside a garage or shop for repairs or servicing, except for emergency repairs under the blasters supervision.~~

~~(7) An explosive shall not be transported in any form of trailer, except pursuant to the provisions of 49 C.F.R. §§100 to 177, as adopted by reference in R 408.42799(2).~~

~~(8) Auxiliary lights that are powered by a conveyance's electrical system shall not be installed on a conveyance that is used to transport explosives underground.~~

~~(9) Trucks that are used to transport explosives underground shall have the electrical system checked weekly to detect any failures which may constitute an electrical hazard.~~

~~A certification record that includes all of the following information with respect to an inspected truck shall be prepared and the most recent certification record shall be maintained on file at the site:~~

~~(a) The date of the inspection.~~

~~(b) The signature of the person who performed the inspection.~~

~~(c) A serial number or other identifier.~~

**R 408.42742 Rescinded.** Transport of explosives.

~~Rule 2742. (1) If explosives are transported by a vehicle with an open body, a class D magazine or the original manufacturer's container shall be used. The magazine shall be secured to the bed of the vehicle. An original manufacturer's container shall be restrained within the bed of the vehicle so as to prevent movement or displacement of the container. The bed of the vehicle shall be lined with wood.~~

~~(2) Explosives shall be delivered directly to an approved magazine or blast area.~~

~~(3) An explosive shall not be transported on a vehicle with a detonator or with other cargo, unless it is stored in a class D magazine or IME 22 cap box as specified in 49 C.F.R. SS100 to 177, as adopted by reference in R 408.42799(2) of this part.~~

~~(4) An original container or class D magazine that is used for transporting both detonators and explosives on the same car or conveyance shall be physically separated by a distance of 24 inches or by a solid partition not less than 6 inches thick or an IME 22 cap box.~~

~~(5) Metal, metal tools, carbides, oils, matches, electric storage batteries, inflammable substances, acids, and oxidizing or corrosive compounds shall not be transported in the bed or body of any vehicle or vessel containing explosives.~~

**R 408.42743 Rescinded.** Vertical transport of explosives.

~~Rule 2743. When transporting an explosive vertically, all of the following provisions shall be complied with:~~

~~(a) The explosive shall be hoisted and lowered in a closed original container or class D magazine on a cage or hoisting platform.~~

~~(b) The container or magazine shall be placed on a wooden floor of the cage or platform.~~

~~(c) Other materials shall not be permitted in the same cage or shaft conveyance.~~

~~(d) An employee shall not be permitted in a shaft or hoistway, nor within 100 feet of the hoistway, during the time an explosive is being transported in the shaft or hoistway.~~

~~(e) The hoist or crane operator shall be notified before the loading and unloading of explosives.~~

**R 408.42744 Rescinded.** Underground transport of explosives.

~~Rule 2744. (1) When conveying an explosive underground horizontally, an employee shall not be permitted to ride on the conveyance, except for those employees who use the explosives and the operator of the conveyance.~~

~~(2) The quantity of an explosive that is taken underground shall be not more than that required for a single blast. The explosive shall be taken to the blast area without delay.~~

**R 408.42751 Rescinded. Loading explosives.**

Rule 2751. (1) Before an explosive is delivered to a blast area, all of the following provisions shall be complied with:

- (a) All employees, except for those employees directly connected with the blast, shall be removed from the blast area.
- (b) Electrically powered machines and equipment, except for a machine that is used to load a hole, shall be de-energized.
- (c) A power cable that is within 50 feet of an explosive shall be de-energized and locked out.
- (2) A drill hole shall conform to the following requirements:
  - (a) Be large enough to freely admit the explosive.
  - (b) A hole that has contained an explosive shall not be deepened.
  - (c) Only those holes to be fired in the next blast shall be loaded within a given blast area.
  - (d) A drill hole which has been sprung and which is not water-filled shall be cooled not less than 2 hours before an explosive is loaded.
- (3) Procedures that permit safe and efficient loading shall be established before loading is started.
- (4) Tamping of explosives shall be done only with wood or static free plastic rods which do not have exposed metal parts, except that the connectors may be Nonsparking metal. Violent tamping shall not be done. A primer or detonator shall not be tamped.
- (5) Except for an explosive that is specifically manufactured for such use, an explosive shall not be loaded or used in a potentially explosive atmosphere.
- (6) A blast hole in open work shall be stemmed to the collar or to a point that will confine the charge.
- (7) A bore hole shall not be sprung if the bore hole is adjacent to or near a hole that is loaded. A flashlight battery shall not be used to spring a hole.
- (8) When loading a long line of holes with more than 1 loading crew, the crews shall be separated by a distance that is consistent with a safe and efficient operation.
- (9) Loaded holes shall not be left unattended unless the holes are protected against accidental detonation.
- (10) The drilling of holes shall not be started until all remaining butts of old holes are examined for unexploded charges. If unexploded charges are found, they shall be reported to the supervisor immediately and refired as prescribed in rule 2759 of this part, before work proceeds.

**R 408.42752 Rescinded. Extraneous currents; radio transmitters; warning signs.**

Rule 2752. (1) Before adopting any system of electrical firing, the blaster shall conduct a thorough survey for extraneous currents. All dangerous currents found by the survey shall be eliminated before any holes are loaded.

- (2) Blasting operations shall be suspended and all persons shall be removed from the blasting area during the approach of and during an electrical storm.
- (3) A prominent display of signs warning against the use of mobile radio transmitters shall be posted on all roads within 1,000 feet of the blasting operation.
- (4) The blasting sign shown in figure 1 shall be used in advance of the blast area. This sign shall be used in sequence with the signs prescribed in subrules (5) and (6) of this rule.
- (5) The sign shown in figure 2 shall be posted not less than 1,000 feet from the blast area.
- (6) The sign shown in figure 3 shall be used at the end of the blast area either with or preceding an "End Construction Zone" sign.
- (7) Warning signs shall be prominently displayed during the loading and firing of the blast. Warning signs shall be covered or removed when an explosive is not in the area or when an explosive is secured in a magazine.

~~(8) If a source of extraneous electricity makes the use of electric blasting caps dangerous, a non-electric system shall be used to fire the blasts.~~

~~(9) An electric detonator in a hole that has been primed shall be short-circuited until wired into a blasting circuit.~~

~~(10) A blaster shall take precautions to prevent the accidental discharge of an electric blasting cap from current induced by radar, a radio transmitter, lightning, an adjacent powerline, a dust storm, or other source of extraneous electricity and shall comply with the standards set forth in the institute of the makers of explosives publication no. 20 (1978), entitled "Radio Frequency Energy—A Potential Hazard in the Use of Electric Blasting Caps," as adopted by reference in R 408.42799(3).~~

**R 408.42753 Rescinded. Wiring the charge.**

~~Rule 2753. (1) A blast that is detonated with an electric blasting machine or other power source shall not be made if there is a possibility that a lead wire or permanent blasting wire might be thrown over a live powerline by the force of the explosion or if extraneous electricity from sources such as, but not limited to, radar, a radio transmitter, lightning, an adjacent powerline, or a dust storm might make the use of electric blasting caps dangerous.~~

~~(2) All electric blasting caps that are used for a single blast shall be from the same manufacturer.~~

~~(3) The connecting wire, lead wire, and bus wire of an electric blasting circuit shall be of sufficient current-carrying capacity to carry the prescribed current to fire the blast as planned. The power circuit shall not be grounded. The connecting wire and lead wire shall be insulated and shall be in good condition.~~

~~(4) When blasting underground, both of the following provisions shall be complied with:~~

~~(a) A safety switch which can be locked in the off position shall be installed in the lead wire and the switch shall have a short-circuiting arrangement from the lead wire to the cap circuit.~~

~~(b) A gap of not less than 5 feet shall be provided in the lead wire between the main firing switch and the source of power. This gap shall be bridged by a flexible jumper cord immediately before firing the blast.~~

~~(5) When using a power circuit, the firing switch shall be locked in the off position at all times, except when firing. The key to the lock shall be entrusted only to the blaster. The firing switch shall be designed so that the lead wire to the cap circuit will be automatically short-circuited when the switch is in the off position and so that the lead wire will be disconnected.~~

~~(6) A blasting machine shall be capable of delivering its rated power and shall be wired as prescribed by the manufacturer of the blasting caps used. The number of caps used shall not exceed the rated capacity of the machine.~~

~~(7) A blaster shall be in charge of the blasting machine or approved power circuit and the blaster shall be the only person to connect the lead wires.~~

~~(8) Electric blasting caps and circuits shall be tested using only blasting galvanometers or other instruments which have been designed and approved for this purpose.~~

~~(9) A connection shall be made from the bore hole back to the source of the firing circuit and shall remain shorted until the charge is to be fired.~~

~~(10) When firing a circuit of electric blasting caps, care shall be exercised to ensure that an adequate supply of delivered current is available.~~

~~(11) The wires of an electrical firing device or fuse shall not be subjected to a harmful strain.~~

**R 408.42754 Rescinded. Detonating cord.**

~~Rule 2754. (1) Detonating cord shall be selected which is consistent with the type and condition of a bore hole, stemming, and explosive used.~~



- ~~(2) Detonating cord that extends from a bore hole or charge shall be cut from the spool before loading the remainder of the hole or placing an additional charge.~~
- ~~(3) Detonating cord shall be free of kinks, loops, or sharp angles and shall be handled so as to avoid damage or severing.~~
- ~~(4) Cord connections shall be inspected at each connection before firing.~~
- ~~(5) Detonating cord shall be taped or otherwise secured to a blasting cap with the end of the cap containing the explosive charge pointing in the direction in which the detonation is to proceed.~~
- ~~(6) A detonator that is used to fire a trunk line shall not be brought to the loading area nor attached to the detonating cord until all other preparations for the blast are completed.~~
- ~~(7) The detonating cord shall be connected in a competent, positive, and approved manner. Knot type or other cord to cord connections shall be made only with cord in which the explosive cord is dry.~~
- ~~(8) If detonating cord millisecond delay connectors or short interval delay electric blasting caps are used with a detonation cord, the blaster shall follow the methods recommended by the manufacturer.~~

**R 408.42755 Rescinded. Safety fuse.**

~~Rule 2755. (1) A cap crimper shall be used for attaching a blasting cap to a safety fuse. The crimper shall be in good condition and shall be accessible for use.~~

- ~~(2) When preparing a safety fuse, the blaster shall do all of the following:~~
  - ~~(a) Cut a short piece from the end on the supply reel to assure a fresh cut end of the safety fuse.~~
  - ~~(b) Assure that the fuse is not less than 3 feet in length.~~
  - ~~(c) Compute the burning rate of the fuse in relation to the distance from a place of safety.~~
  - ~~(d) Reject a damaged fuse and dispose of it as prescribed in R 408.42737~~
  - ~~(e) Cut fuse squarely across with a clean sharp blade.~~
- ~~(3) An employer or employee shall not carry a detonator or primer on their person.~~
- ~~(4) Not more than 12 fuses shall be lighted by a blaster when hand lighting devices are used, except that if 2 or more safety fuses in a group are lighted by means of an ignition cord or other fuse lighting device, the group may be counted as 1 fuse.~~
- ~~(5) The drop fuse method of dropping or pushing a primer or explosive with a lighted fuse is not permitted.~~
- ~~(6) The hanging of a fuse on a nail or other projection which would cause a sharp bend is not permitted.~~
- ~~(7) A fuse shall not be capped, and a primer shall not be made up, in a magazine or near a possible source of ignition.~~
- ~~(8) Not less than 2 employees shall be present when multiple cap or fuse blasting is done by the hand-lighting method.~~
- ~~(9) A cap and fuse shall not be used for firing a mudcap charge unless the charge is sufficiently separated to prevent 1 charge from dislodging other shots in the blast.~~

**R 408.42757 Rescinded. Pre-blast blaster responsibilities; stationing flagman during blasting.**

~~Rule 2757. (1) Before firing a blast, the blaster in charge of the operation shall do all of the following:~~

- ~~(a) Set the time of the blast.~~
- ~~(b) Make sure all persons are out of the blast area.~~
- ~~(c) Give the proper warning signals as prescribed in R 408.42727 after making certain that all employees and equipment have been removed from the hazard area.~~
- ~~(d) Barricade or post entrances to prevent the inadvertent entry of employees into the blast area.~~
- ~~(2) At least 1 flagman shall be safety stationed on a street or highway which passes through the danger zone to stop traffic during blasting operations. The flagmen shall be equipped with traffic control~~

~~devices and protective equipment as prescribed in rule 2223 of Part 22. Signals, Signs, Tags, and Barricades, being R 408.42223 of the Michigan Administrative Code.~~

**R 408.42758 Rescinded. Post-blast requirements.**

~~Rule 2758. (1) Immediately following a blast, the lead wire or permanent blasting wire shall be disconnected and short-circuited, and the blasting machine or power source shall be locked in the off position.~~

~~(2) An employee shall not return to the blast area until visibility has returned to normal and the air quality meets minimum requirements.~~

~~(3) The blaster shall make an inspection of the blast area to determine if all charges have been exploded before allowing an employee to return to the blast area.~~

**R 408.42759 Rescinded. Misfires.**

~~Rule 2759. (1) If a misfire is found, both of the following requirements shall be complied with:~~

~~(a) The blaster shall immediately report this misfire to his or her supervisor and shall prevent all employees from entering the area, except for his or her helper.~~

~~(b) A new primer shall be inserted and the hole shall be reblasted. If this procedure might present a hazard, the explosive shall be washed out with water or blown out with oil-entrained air.~~

~~(2) If a misfire occurs while using a fuse arrangement, all employees shall be prevented from entering the area for a period of not less than 1 hour. The blaster shall then enter the area for inspection purposes and shall follow the procedures set forth in subrule (1) of this rule, if necessary.~~

~~(3) Drilling, digging, or picking is not permitted until all holes that contain unexploded charges have been detonated or removed.~~

**R 408.42761 Rescinded. Underwater blasting.**

~~Rule 2761. (1) A loading tube and casing used for underwater blasting shall be made of the same non-sparking metals.~~

~~(2) Explosives used for underwater blasting shall be water-resistant.~~

~~(3) Swimmers, divers, and vessels shall not be less than 1,500 feet away from a blast area when a blast is made, except that a vessel containing only the blaster and his or her crew members may remain at the outer edge of the blast area if they will not be placed in jeopardy by the blast. Those on board the vessel in the blast area shall be notified before the blast is fired. Blasting flags or coast guard approved warning devices shall be displayed at a distance of not less than 1,500 feet from the blast area.~~

~~(4) If more than 1 charge is placed underwater, a float device shall be attached to an element of each charge in a manner that will release the float device when the charge is fired.~~

**R 408.42762 Rescinded. Blasting in pressurized working chamber.**

~~Rule 2762. (1) Only a blaster and those employees necessary to transport an explosive shall enter an air lock with the explosive. Other material or equipment shall not be moved through the air lock at the same time that the explosive is moved through. A detonator and explosive shall be transported in separate containers into the pressurized working chamber.~~

~~(2) Metal pipe, rails, an air lock, and the steel tunnel lining shall be electrically bonded together and shall be grounded near the portal or shaft and cross bonded together at not less than 1,000-foot intervals throughout the length of the tunnel. An air supply pipe shall be grounded at the delivery end.~~

~~(3) When blasting near or in a mixed face, the blast charge shall be light with light burden on each hole. Advance drilling shall be done as excavation in the rock face approaches a mixed face to determine the nature and extent of rock cover and the remaining distance to soft ground.~~

R 408.42763 **Rescinded.** Explosive containers, wrapping, or packing material; disposal; use of deteriorated or damaged explosives or blasting supplies prohibited.

Rule 2763. (1) An empty container, wrapping, or packing material that has contained an explosive shall not be used again for any purpose. The container, wrapping, or packing material shall be destroyed by burning in an area where people or property will not be endangered.

(2) Explosives or blasting supplies that are obviously deteriorated or damaged shall not be used.

R 408.42799 **Rescinded.** Referenced standards.

Rule 2799. (1) The Commerce in Explosives, 27 C.F.R. Part 181, April, 1979, established by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives is adopted by reference, at a cost as of the time of adoption of these rules of \$67.00.

(2) The provisions of 49 C.F.R. Parts §100 to 177, established by the United States Department of Transportation, are adopted by reference, at a cost as of the time of adoption of these rules of \$70.00.

(3) The United States regulations adopted by reference in subrules (1) and (2) of these rules are available from the United States Government Bookstore via the internet at website [www.bookstore.gpo.gov](http://www.bookstore.gpo.gov), at a cost as of the time of adoption of these rules as stated in these subrules.

(4) This standard is adopted by reference in these rules, The Institute of Makers of Explosives publication no. 20 “Radio Frequency Energy—A Potential Hazard in the Use of Electric Blasting Caps,” 1978 edition. This standard is available from The Institute of Makers of Explosives, 1120 19th Street, NW, Suite 310, Washington, DC 20036-3605, USA, telephone number: 1-202-429-9280 or via the internet at website: [www.ime.org](http://www.ime.org); at a cost as of the time of adoption of these rules of \$1.00.

(5) This standard is adopted by reference in these rules, Section F-2603.0, Storage of Explosives, of article 27 of the BOCA Basic Fire Prevention Code—1984 edition. This standard is available from the International Code Council (ICC), 4051 West Flossmoor Road, Country Club Hills, Illinois, USA, 60478, telephone number: 1-800-786-4452 or via the internet at website: [www.iccsafe.org](http://www.iccsafe.org); at a cost as of the time of adoption of these rules of \$200.00.

(6) This standard is adopted by reference in these rules, National Fire Protection Association (NFPA) standard NFPA 495 ‘Code for the Manufacture Transportation Storage and Use of Explosives and Blasting Agents,’ 1982 edition. This standard is available from NFPA, 1 Batterymarch Park, Quincy, Massachusetts, USA, 02169-7471, telephone number: 1-617-770-3000 or via the internet at website: [www.nfpa.org](http://www.nfpa.org); at a cost as of the time of adoption of these rules of \$27.00.

(7) The standards adopted in subrules (1), (2), (4), (5) and (6) of this rule are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, Box 30643, Lansing, Michigan 48909-8143.

(8) Copies of the standards adopted in subrules (1), (2), (4), (5), and (6) of this rule may be obtained from the publisher or may also be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in subrule (1), (2), (4), (5), and (6) of this rule, plus \$20.00 for shipping and handling.

(9) The following Michigan occupational safety and health standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of licensing and regulatory affairs, MIOSHA standards section, 7150 Harris Drive, P.O. Box 30643, Lansing, MI, 48909-8143 or via the internet at website: [www.michigan.gov/mioshastandards](http://www.michigan.gov/mioshastandards). For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety Standard Part 10 “Lifting and Digging Equipment,” R-408.41001a to R-408.41099a.

~~(b) Construction Safety Standard Part 14 “Tunnels, Shafts, Caissons, and Cofferdams,” R 408.41401 to R 408.41483.~~

~~(c) Construction Safety Standard Part 22 “Signals, Signs, Tags, and Barricades,” R 408.42201 to R 408.42243.~~

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**ADMINISTRATIVE RULES**

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**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS ~~CONSUMER AND  
INDUSTRY SERVICES~~**

**DIRECTOR'S OFFICE ~~BUREAU OF SAFETY AND REGULATION~~**

**GENERAL INDUSTRY SAFETY STANDARDS ~~COMMISSION~~**

Proposed draft December 11, 2014

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of **licensing and regulatory affairs** ~~consumer and industry services~~ by sections 16 and 21 of 1974 PA 154, MCL 408.1016 and 408.1021, and Executive Reorganization Order **Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030**) ~~No. 1996-2, MCL 445.2001~~

R 408.10601, R 408.10603, R 408.10604, R 408.10605, R 408.10606, R 408.10611, R 408.10612, R 408.10613, R 408.10621, R 408.10623, R 408.10624, R 408.10631, R 408.10632, R 408.10633, R 408.10634, R 408.10636, R 408.10639, R 408.10641, R 408.10643, R 408.10644, R 408.10645, R 408.10647, R 408.10661, R 408.10664, R 408.10671, R 408.10673, R 408.10675, R 408.10677, R 408.10685, R 408.10686, R 408.10695, and R 408.10696, are amended, and R 408.10627 and R 408.10680 are added and R 408.10637 and R 408.10638, are rescind, to the Michigan Administrative Code as follows:

**PART 6. FIRE EXITS**

**GENERAL PROVISIONS**

R 408.10601 Scope.

Rule 601. **(1) These rules specify** ~~This part specifies~~ requirements for means of egress for employee use required by the advent of hazardous conditions such as fire, explosion, and natural disaster.

**(2) These rules apply to workplaces in general industry except mobile workplaces such as vehicles or vessels.**

**(3) These rules cover the minimum requirements for exit routes that employers must provide in their workplace so that employees may evacuate the workplace safely during an emergency. These rules cover the minimum requirements for emergency action plans and fire prevention plans.**

R 408.10603 Definitions; B to F.

Rule 603. (1) "Breakaway door" means a door **that** is designed to slide in normal operation and which will swing open in any position when a maximum pressure of 50 pounds is applied to the latch side of the door in an emergency.

(2) "Draw bolt" means a metal bar or rod in the mechanism of a lock that is thrown or withdrawn by turning the key or retracting a lever.

(3) **"Electroluminescent" means a light-emitting capacitor. Alternating current excites phosphor atoms when placed between the electrically conductive surfaces to produce light. This light source is typically contained inside the device.** ~~"Fire area of a building" means that space contained within component structural parts which has a fire resistance sufficient to prevent the further spread of fire which originates therein.~~

(4) **"Fire area of a building" means that space contained within component structural parts that has a fire resistance sufficient to prevent the further spread of fire that originates therein.** ~~"Fire door" means a fire-resistive door assembly, including the frame and hardware.~~

(5) **"Fire door" means a fire-resistive door assembly, including the frame and hardware.** ~~"Fire resistance" means the property of a material or assembly to withstand fire or give protection from it.~~

(6) **"Fire resistance" means the property of a material or assembly to withstand fire or give protection from it.** ~~"Flammable" means subject to easy ignition and rapid flaming combustion.~~

(7) **"Flammable" means subject to easy ignition and rapid flaming combustion.** ~~"Floor area" or "gross area" means the floor area within the perimeter of the outside walls of a building, with no deductions for any of the following:~~

~~(a) Hallways.~~

~~(b) Stairs.~~

~~(c) Closets.~~

~~(d) Thickness of walls.~~

~~(e) Columns.~~

~~(f) Other features.~~

(8) **"Floor area" or "gross area" means the floor area within the perimeter of the outside walls of a building, with no deductions for any of the following:** ~~"Flush bolt" means a door bolt which is designed so that when applied it is flush with the face or edge of the door.~~

**(a) Hallways.**

**(b) Stairs.**

**(c) Closets.**

**(d) Thickness of walls.**

**(e) Columns.**

**(f) Other features.**

(9) **"Flush bolt" means a door bolt that is designed so that when applied it is flush with the face or edge of the door.**

R 408.10604 Definitions; H to M.

Rule 604. (1) "Hasp and staple" means a fastening device that consists of a slotted hinge plate and a loop (staple).

(2) "Hazardous area" means an area of a building, or portion thereof, used for purposes that involve highly combustible, highly flammable, or explosive products or materials which are likely to burn with extreme rapidity or which may produce poisonous fumes or gases, including highly toxic or noxious acids, alkalines, or irritant hazards; which cause the division of material into fine particles or dust subject to explosion or spontaneous combustion; or which constitute a high fire hazard because of the form, character, or volume of the material used.

(3) "Hazard of contents" means the relative danger of the start and spread of fire, the danger of smoke or gases generated, and the danger of explosion or other occurrence potentially endangering the lives and safety of employees in a building. Where certain features of a building are such as to involve a hazard greater than the hazard of the contents, the greater degree of hazard shall govern.

(4) **"High hazard area" means an area inside a workplace in which operations include high hazard materials, processes, or contents.** ~~"High hazard contents" means combustibles of a character or quantity which burn with extreme rapidity or from which extremely poisonous fumes or explosions are to be expected in the case of fire.~~

(5) **"High hazard contents" means combustibles of a character or quantity that burn with extreme rapidity or from which extremely poisonous fumes or explosions are to be expected in the case of fire.** ~~"Horizontal exit" means a way of passage from a building to an area of refuge in another building on approximately the same level or a way of passage through or around a fire-resistant wall or fire-resistant partition to an area of refuge on approximately the same level in the same building which affords safety from fire or smoke in the area of escape and areas communicating therewith.~~

(6) **"Horizontal exit" means a way of passage from a building to an area of refuge in another building on approximately the same level or a way of passage through or around a fire-resistant wall or fire-resistant partition to an area of refuge on approximately the same level in the same building which affords safety from fire or smoke in the area of escape and areas communicating therewith.** ~~"Low hazard contents" means combustibles of such low combustibility that self-propagating fire cannot occur and that consequently the only probable danger will be from panic, fumes, smoke, or fire from some external source.~~

(7) **"Listed" means equipment that is listed if it is of a kind mentioned in a list that is published by a nationally recognized testing laboratory that makes periodic inspections of the production of such equipment and that states that such equipment meets nationally recognized standards or has been tested and found safe for use in a specified manner.** ~~"Means of egress" means a continuous path of travel from any point in a building to the open air outside at ground level and consists of 3 separate and distinct parts: the exit access, the exit, and the exit discharge. A means of egress comprises both vertical and horizontal means of travel. The 3 separate parts are defined as follows:~~

(a) ~~"Exit access" means that portion of a means of egress which leads to an entrance to an exit.~~

(b) ~~"Exit" means that portion of a means of egress which is separated from the area of a building from which escape is to be made by a wall, floor, door, or other means which provides the protected path necessary to proceed with reasonable safety to the exterior of the building.~~

(c) ~~"Exit discharge" means that portion of a means of egress between termination of the exit and the exterior of the building at ground level.~~

(8) **"Low hazard contents" means combustibles of such low combustibility that self-propagating fire cannot occur and that consequently the only probable danger will be from panic, fumes, smoke, or fire from some external source.**

(9) **"Means of egress" also known as an "exit route" means a continuous and unobstructed path of exit travel from any point within a workplace to a place of safety, including refuge areas. A means of egress includes both vertical and horizontal areas along the route of travel. A means of egress or an exit route consists of 3 separate parts and are defined as follows:**

(a) **"Exit access" means that portion of a means of egress or an exit route which leads to an exit. An example of an exit access is a corridor on the 5th floor of an office building that leads to a 2-hour fire resistance-rated enclosed stairway.**

(b) **"Exit" means that portion of a means of egress or an exit route that is separated from the area of a building from which escape is to be made by a wall, floor, door, or other means which provides the protected path necessary to proceed with reasonable safety to the exterior of the**

**building. An example of an exit is a 2-hour fire resistance-rated enclosed stairway that leads from the 5th floor of an office building to the outside of the building.**

**(c) "Exit discharge" means that portion of an exit route that leads directly outside or to a street, walkway, refuge area, public way, or open space with access to the outside. An example of an exit discharge is a door at the bottom of a 2-hour fire resistance-rated enclosed stairway that discharges to a place of safety outside the building.**

R 408.10605 Definitions; N to S.

**Rule 605. (1) "Nationally recognized testing laboratory." See 29 C.F.R. §1910.7 "Definition and requirements for a nationally recognized testing laboratory," as adopted in R 408.10606, for the definition. ~~"Noncombustible building" means a building that is constructed of materials which do not support fire.~~**

**(2) "Noncombustible building" means a building that is constructed of materials that do not support fire. ~~"Ordinary hazard contents" means combustibles which are liable to burn with moderate rapidity and to give off a considerable volume of smoke, but from which neither extremely poisonous fumes nor explosions are to be expected in case of fire.~~**

**(3) "Occupant load" means the total number of persons that may occupy a workplace or portion of a workplace at any one time. The occupant load of a workplace is calculated by dividing the gross floor area of the workplace or portion of the workplace by the occupant load factor for that particular type of workplace occupancy. Information regarding the "Occupant load" is located in NFPA 101 "Life Safety Code," 2009 edition and in the "International Fire Code" 2009 edition, as adopted in R 408.10606. ~~Self-closing" means equipped with an approved device which will insure closing without manual assistance after having been opened.~~**

**(4) "Ordinary hazard contents" means combustibles that are liable to burn with moderate rapidity and to give off a considerable volume of smoke, but from which neither extremely poisonous fumes nor explosions are to be expected in case of fire. ~~Sprinklered" means equipped with an approved automatic sprinkler system which is properly maintained.~~**

**(5) "Refuge area" means either of the following: ~~"Street" means a public thoroughfare which is 30 or more feet in width, which has been dedicated or deeded to the public for public use, and which is accessible for use by a fire department in fighting fires. An enclosed space or tunnel, even though used for vehicular and pedestrian traffic, is not considered a street.~~**

**(a) A space along an exit route that is protected from the effects of fire by separation from other spaces within the building by a barrier with at least a 1-hour fire resistance-rating.**

**(b) A floor with at least 2 spaces, separated from each other by smoke-resistant partitions, in a building protected throughout by an automatic sprinkler system that complies with General Industry Safety Standard Part 9 "Fixed Fire Equipment," as referenced in R 408.10606.**

**(6) "Self-closing" means equipped with an approved device which will ensure closing without manual assistance after having been opened. ~~"Surface bolt" means a locking bolt that is installed on the surface of a door~~**

**(7) "Sprinklered" means equipped with an approved automatic sprinkler system that is properly maintained.**

**(8) "Street" means a public thoroughfare that is 30 or more feet in width, that has been dedicated or deeded to the public for public use, and that is accessible for use by a fire department in fighting fires. An enclosed space or tunnel, even though used for vehicular and pedestrian traffic, is not considered a street.**



(9) "Self-luminous" means a light source that is illuminated by a self-contained power source, like tritium, and that operates independently from external power sources. Batteries are not acceptable self-contained power sources. The light source is typically contained inside the device.

(10) "Surface bolt" means a locking bolt that is installed on the surface of a door.

R 408.10606 Adoption of standards by reference; access to other MIOSHA rules. ~~Rescinded.~~

**Rule 606.** (1) The National Fire Protection Association NFPA 101 "Life Safety Code," 2009 edition, is adopted by reference in these rules and is available from IHS Global, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at website: <http://global.ihs.com>; at a cost as of the time of adoption of these rules of \$93.00.

(2) The "International Fire Code" 2009 edition, is adopted by reference in these rules and is available from International Code Council, 500 New Jersey Avenue, NW, 6<sup>th</sup> floor, Washington, DC 20001, USA, telephone number: 1-800-786-4452, or via the internet at website: [www.iccsafe.org](http://www.iccsafe.org); at a cost as of the time of adoption of these rules of \$113.00.

(3) The following federal occupational safety and health administration (OSHA) regulations from the code of federal regulations are adopted by reference in these rules:

(a) 29 C.F.R. §1910.7 "Definition and requirements for a nationally recognized testing laboratory."

(b) 29 C.F.R. 1910.165 "Employee alarm systems"

(4) The standards adopted in these rules are available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(5) Copies of the standards adopted in these rules may be obtained from the publisher or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(6) The following Michigan occupational safety and health standards (MIOSHA) are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA standards section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: [www.michigan.gov/mioshastandards](http://www.michigan.gov/mioshastandards). For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

(a) General Industry Safety Standard Part 2 "Floor and Wall Openings, Stairways, and Skylights," R 408.10201 to R 408.10241.

(b) General Industry Safety Standard Part 3 "Fixed Ladders," R 408.10301 to R 408.10372.

(c) General Industry Safety Standard Part 9 "Fixed Fire Equipment," R 408.10901 to R 408.10999.

R 408.10611 Design of buildings and structures.

**Rule 611.** (1) ~~The danger to employees must be minimized. A building or structure designed for human occupancy shall be provided with exits, as prescribed in this part, which permit prompt escape in case of fire or other emergency. Exits and other safeguards shall be designed so that an employee's safety or preservation of life in case of fire or other emergency is not dependent solely on a single safeguard. Additional safeguards shall be provided for life safety in case any single safeguard is ineffective due to human or mechanical failure.~~

(2) A building or structure designed for human occupancy shall be provided with exits, as prescribed in this part, that permit prompt escape in case of fire or other emergency. ~~A building or~~

~~structure shall be constructed, arranged, equipped, maintained, and operated to avoid undue danger to the lives and safety of the employees from fire, smoke, fumes, or panic during the period of time necessary for escape from the building or structure.~~

**(3) Exits and other safeguards shall be designed so that an employee's safety or preservation of life in case of fire or other emergency is not dependent solely on a single safeguard. Additional safeguards shall be provided for life safety in case any single safeguard is ineffective due to human or mechanical failure. If a building or structure is of such size, arrangement, or occupancy that a fire might not itself provide a warning, the building or structure shall be equipped with a fire alarm system in accordance with the provisions of R 408.10981 of general industry safety standard, Part 9. Fixed Fire Equipment, to facilitate a fire drill or to warn of a fire so the employees may escape.**

**(4) Exit routes shall be kept free of explosive or highly flammable furnishings or other decorations.**

**(5) A building or structure shall be constructed, arranged, equipped, maintained, and operated to avoid undue danger to the lives and safety of the employees from fire, smoke, fumes, or panic during the period of time necessary for escape from the building or structure.**

**(6) An employee alarm system must be operable. Employers shall install and maintain an operable employee alarm system that has a distinctive signal to warn employees of fire or other emergencies, unless employees can promptly see or smell a fire or other hazard in time to provide adequate warning to them. The employee alarm system must comply with General Industry Safety Standard Part 9 "Fixed Fire Equipment," and 29 C.F.R. 1910.165 "Employee alarm systems" as adopted in R 408.10606**

R 408.10612 Occupancy of new buildings.

**Rule 612. During new construction, employees shall not occupy a workplace until the exit routes required by these rules are completed and ready for employee use for the portion of the workplace they occupy. A building under construction shall not be occupied, in whole or in part, until all facilities required by this part, in the portion to be occupied, are installed and functioning.**

R 408.10613 Occupancy and use during repairs and alterations.

**Rule 613. (1) During repairs or alterations, employees shall not occupy a workplace unless the exit routes required by these rules are available and existing fire protections are maintained, or until alternate fire protection is furnished that provides an equivalent level of safety. An existing building shall not be occupied during repairs or alterations unless exits and fire protection are continuously maintained.**

**(2) Employees shall not be exposed to hazards of flammable or explosive substances or equipment used during construction, repairs, or alterations, that are beyond the normal permissible conditions in the workplace, or that would impede exiting the workplace. A hazardous substance or equipment for repairs or alterations shall not be introduced in a building while the building is occupied, unless the condition of use and safeguards provided are such as not to create any additional danger to employees' lives.**

## CLASSES OF OCCUPANCY AND HAZARD OF CONTENTS

R 408.10621 Classes of occupancy.

**Rule 621. A building or part thereof shall be classified as follows:**

**(a) A hotel, which includes a building, portion of a building, or group of buildings which is under the same management and in which there are more than 16 ~~15~~ sleeping accommodations for hire that are**

primarily used by transients, whether designated as a hotel, apartment hotel, inn, club, or motel or by any other name.

(b) Mercantile occupancy, which includes a store, market, and other room or building for the display and sale of merchandise. Examples of this occupancy are as follows:

- (i) Supermarkets.
- (ii) Department stores.
- (iii) Shopping centers.
- (iv) Drugstores.
- (v) Auction rooms.

(c) Business occupancy, which means a place used for the transaction of business, other than that covered under mercantile occupancy, for the keeping of accounts and records and for similar purposes. Examples of this occupancy are as follows:

- (i) Doctors' and dentists' offices.
- (ii) City and township halls.
- (iii) Courthouses.
- (iv) Libraries.
- (v) Schools.

(d) An industrial occupancy, which includes a factory that makes products of all kinds and a property devoted to operations such as processing, assembling, mixing, packaging, finishing or decorating, repairing, and similar operations. Examples of this group are as follows:

- (i) Laboratories.
- (ii) Dry cleaning plants.
- (iii) Power plants.
- (iv) Pumping stations.
- (v) Smokehouses.
- (vi) Laundries.
- (vii) Creameries.
- (viii) Gas plants.
- (ix) Refineries.
- (x) Sawmills.

(e) A storage occupancy, which includes a building that is used primarily for the storage or sheltering of goods, merchandise, products, vehicles, or animals. Examples of this group are as follows:

- (i) Warehouses.
- (ii) Cold storage operations.
- (iii) Freight terminals.
- (iv) Truck and marine terminals.
- (v) Bulk oil storage.
- (vi) Parking garages.
- (vii) Hangars.
- (viii) Grain elevators.
- (ix) Barns.
- (x) Stables.

(f) Miscellaneous occupancies, which means those buildings covered in the provisions of R 408.10691 to R 408.10697.

R 408.10623 Employee emergency **action** plans.

Rule 623. (1) ~~This rule applies to all~~ **An employer shall have an emergency action plan** ~~whenever that are required by a particular Michigan occupational safety and health act safety standard. The requirements in these rules apply to each such emergency action plan. The emergency action plan shall be in writing and shall specify the designated actions that employers and employees must take to ensure employee safety from fire and other emergencies. Employers that employ less than 10 employees may communicate the plan orally to employees and need not maintain a written plan.~~

(2) **An emergency action plan shall be in writing, kept in the workplace, and available to employees for review. However, an employer with 10 or fewer employees may communicate the plan orally to employees.** ~~All of the following information, at a minimum, shall be included in an emergency plan:~~

- ~~(a) Emergency escape procedures and emergency escape route assignments.~~
- ~~(b) Procedures to be followed by employees who remain to operate critical plant operations before they evacuate.~~
- ~~(c) Procedures to account for all employees after emergency evacuation has been completed.~~
- ~~(d) Rescue and medical duties for those employees who are trained to perform them.~~
- ~~(e) The preferred means of reporting fires and other emergencies.~~
- ~~(f) The names or regular job titles of persons or departments who can be contacted for further information or explanation of duties under the plan.~~

(3) **An emergency action plan shall include at a minimum all of the following:** ~~An employer shall establish an employee alarm system which is in compliance with the provisions of O.H. rule 1910.165, employee alarm systems, and which is available, upon request, from the safety standards division of the Michigan department of consumer and industry services. If the employee alarm system is used for alerting fire brigade members or for other purposes, a distinctive signal for each purpose shall be used.~~

- (a) Procedures for reporting a fire or other emergency.**
- (b) Procedures for emergency evacuation, including type of evacuation and exit route assignments.**

**(c) Procedures to be followed by employees who remain to operate critical plant operations before they evacuate.**

- (d) Procedures to account for all employees after evacuation.**
- (e) Procedures to be followed by employees performing rescue or medical duties. and**
- (f) The name or job title of every employee who may be contacted by employees who need more information about the plan or an explanation of their duties under the plan.**

(4) **An employer shall establish an employee alarm system that is in compliance with the provisions of General Industry Safety Standard Part 9 “Fixed Fire Equipment,” and 29 C.F.R. 1910.165 “Employee alarm systems” as adopted in R 408.10606. If the employee alarm system is used for alerting fire brigade members or for other purposes, a distinctive signal for each purpose shall be used.** ~~An employer shall establish, in the emergency action plan, the types of evacuation to be used in emergency circumstances.~~

(5) **An employer shall establish in the emergency action plan the types of evacuation to be used in emergency circumstances.** ~~Before implementing the emergency action plan, an employer shall designate and train a sufficient number of persons to assist in the safe and orderly emergency evacuation of employees. The employer shall review the plan, at the following times, with each employee to whom the plan applies:~~

- ~~(a) When the plan is developed.~~
- ~~(b) If an employee's responsibilities or designated actions under the plan change.~~

~~(c) If the plan is changed. An employer shall review, with each employee, upon initial assignment, those parts of the plan that the employee must know to protect the employee in an emergency. The written plan shall be kept at the workplace and made available for employee review.~~

**(6) Before implementing the emergency action plan, an employer shall designate and train a sufficient number of persons to assist in the safe and orderly emergency evacuation of employees.**

**(7) The employer shall review the plan, at the following times, with each employee to whom the plan applies:**

**(a) When the plan is developed.**

**(b) If an employee's responsibilities or designated actions under the plan change.**

**(c) If the plan is changed.**

**(8) An employer shall review, with each employee, upon initial assignment, those parts of the plan that the employee must know to protect the employee in an emergency.**

R 408.10624 Fire prevention plans.

Rule 624. ~~(1) This rule applies to all~~ **An employer shall have a fire prevention plan whenever they that are required by a particular Michigan occupational safety and health act standard. The requirements in these rules apply to each such fire prevention plan.** ~~The fire prevention plan shall be in writing. Employers that employ less than 10 employees may communicate the plan orally to employees and need not maintain a written plan.~~

**(2) A fire prevention plan must be in writing, be kept in the workplace, and be made available to employees for review. However, an employer with 10 or fewer employees may communicate the plan orally to employees.**

~~(2) All of the following information, at a minimum, shall be included in the fire prevention plan:~~

~~(a) All of the following information about major workplace fire hazards:~~

~~(i) A list of the major workplace fire hazards.~~

~~(ii) The proper handling and storage procedures for the items listed in paragraph (i) of this subdivision.~~

~~(iii) The potential ignition sources of the items listed in paragraph~~

~~(i) of this subdivision, such as welding or smoking, and control procedures with respect to the potential sources of ignition.~~

~~(iv) The type of fire protection equipment or systems that are necessary to control a fire that involves the items specified in paragraph (i) of this subdivision.~~

~~(b) The names or regular job titles of those personnel who are responsible for the maintenance of equipment and systems that are installed to prevent or control fires or the sources of ignition.~~

~~(c) The names or regular job titles of those personnel who are responsible for the control of fuel source hazards.~~

**(3) An employer shall control the accumulations of flammable and combustible waste materials and residues so that they do not contribute to a fire emergency. The control procedures shall be included in the written fire prevention plan.**

**(4) An employer shall inform employees of the fire hazards of the materials and processes to which they are exposed.**

**(5) An employer shall review, with each employee, upon initial assignment, those parts of the fire prevention plan that the employee must know to protect the employee in an emergency.** ~~The written plan shall be kept in the workplace and made available for employee review.~~

**(6) An employer shall regularly and properly maintain, according to established procedures, equipment and systems that are installed on heat-producing equipment to prevent the accidental ignition of combustible materials. The maintenance procedures shall be included in the written fire prevention plan.**

**(7) Minimum elements of a fire prevention plan shall include all of the following information:**

(a) A list of all major fire hazards, proper handling and storage procedures for hazardous materials, potential ignition sources and their control, and the type of fire protection equipment necessary to control each major hazard.

(b) Procedures to control accumulations of flammable and combustible waste materials.

(c) Procedures for regular maintenance of safeguards installed on heat-producing equipment to prevent the accidental ignition of combustible materials.

(d) The name or job title of employees responsible for maintaining equipment to prevent or control sources of ignition or fires.

(e) The name or job title of employees responsible for the control of fuel source hazards.

#### **R 408.10627 Compliance with alternate exit-route codes.**

**Rule 627.** MIOSHA shall deem an employer demonstrating compliance with the exit-route provisions of the NFPA 101 “Life Safety Code,” 2009 edition or the exit-route provisions of the “International Fire Code” 2009 edition, as adopted in R 408.10606, to be in compliance with the corresponding requirements in these rules.

### **MEANS OF EGRESS**

#### **R 408.10631 Construction, maintenance, and changes.**

**Rule 631.** (1) The components of a means of egress including doors, stairs, ramps, passages, and signs shall be of substantial construction and shall be maintained in an operable condition.

(2) An exit shall be not less than 28 inches (**71.1 cm**) wide **at all points, except where specifically permitted elsewhere in this part. Where there is only 1 exit access leading to an exit or exit discharge, the width of the exit and exit discharge shall be at least equal to the width of the exit access.** ~~Ceiling height of a means of egress shall be not less than 7 1/2 feet and a projection from the ceiling not less than 6 2/3 feet from the floor.~~

(3) **The ceiling of an exit route shall be at least 7 feet 6 inches (2.3 m) high. Any projection from the ceiling shall not reach a point less than 6 feet 8 inches (2.0 m) from the floor.** ~~A space formed with movable or folding partitions and occupied by more than 20 persons shall have an approved means of egress.~~

(4) **The width of an exit route shall be sufficient to accommodate the maximum permitted occupant load of each floor served by the exit route.** ~~An alteration, addition, or change of occupancy that would reduce means of egress below the requirements for a new building is prohibited.~~

(5) **Objects that project into the exit route shall not reduce the width of the exit route to less than the minimum width requirements for exit routes.** ~~Furnishings and decorations of an explosive or highly flammable character shall not be used in any occupancy.~~

(6) **Exit routes must be kept free of explosive or highly flammable furnishings or other decorations.** ~~Where fire retardant paints or solutions are used, they shall be renewed, as necessary to maintain their fire retardant properties.~~

(7) **A space formed with movable or folding partitions and occupied by more than 20 persons shall have an approved means of egress.**

(8) **An alteration, addition, or change of occupancy that would reduce means of egress below the requirements for a new building is prohibited.**

(9) **Furnishings and decorations of an explosive or highly flammable character shall not be used in any occupancy.**

(10) **Where fire retardant paints or solutions are used, they shall be renewed, as necessary to maintain their fire retardant properties.**

R 408.10632 Obstructions.

Rule 632. (1) **An employer shall ensure that exit routes are free and unobstructed. No materials or equipment may be placed, either permanently or temporarily, within the exit route. The exit access shall not go through a room that can be locked, such as a bathroom, to reach an exit or exit discharge, nor may it lead into a dead-end corridor. Stairs or a ramp shall be provided where the exit route is not substantially level.** ~~A means of egress shall be continuously maintained free of all obstructions or impediments to full instant use in case of fire or other emergency. A mirror shall not be placed on an exit door or be placed in or adjacent to an exit in a manner to confuse the direction of exit.~~

(2) A lock, fastening device, or barrier shall not be installed or used on a means of egress in a manner that will prevent or hinder free escape from the inside of a building.

(3) **Exit route doors shall be free of any device or alarm that could restrict emergency use of the exit route if the device or alarm fails.** ~~A device or alarm to restrict the improper use of an exit shall be so designed and installed that it cannot, even in case of failure, impede or prevent emergency use of an exit.~~

(4) Devices such as turnstiles and gates shall not be placed so as to obstruct a means of egress.

(5) No combustible or flammable debris, waste, or other material, the burning of which would render hazardous egress from the building shall be placed, stored, or kept on, under, at the bottom of, or adjacent to a means of egress or elevator. Where a means of egress is being obstructed by the placement of movable objects, aisles shall be marked and railings or permanent barriers provided to protect the means of egress against encroachment. ~~( Railing or standard barrier as per general industry safety standards commission standards, Part 2. Floor~~ **General Industry Safety Standard Part 2 “Floor and Wall Openings, Stairways, and Skylights,” as referenced in R 408.10606.** ~~Skylights, being R 408.10201 to R 408.10239 of the Michigan Administrative Code.)~~

(6) **Each exit route door shall be free of decorations or signs that obscure the visibility of the exit route door. A mirror shall not be placed on an exit door or be placed in or adjacent to an exit in a manner to confuse the direction of exit.**

R 408.10633 Permissible exits and exit components.

Rule 633. (1) Approved exits for all occupancies regulated by this part shall be restricted to the following permissible types: doors, inside or outside stairs, horizontal exits, ramps, escalators, and fire escapes for existing occupancies.

(2) An exit shall consist only of approved components. An exit shall be constructed as an integral part of the building or permanently affixed thereto.

(3) Stairs, landings, and other exit components shall be guarded against falls over open edges, and guards and handrails shall continue the full length of the guarded exit component.

(4) An exit protected by separation from other parts of the building shall have the separating construction meet the following:

(a) The separation shall have not less than a 1-hour fire-resistance rating when the exit connects 3 stories or less. This applies whether the stories connected are above or below the story at which the exit discharge is located.

(b) The separation shall have not less than a 2-hour fire-resistance rating when the exit connects 4 or more stories, whether above or below the floor of discharge.

~~(c) Any opening therein shall be protected by an approved~~ **An opening into an exit must be protected by a self-closing fire door, door that remains closed or automatically closes in an emergency upon the sounding of a fire alarm or employee alarm system.**

(d) An opening in an exit enclosure shall be confined to that which is necessary for access to the enclosure from a normally occupied space and for egress from the enclosure.

**(5) Each exit route shall be a permanent part of the workplace.**

**(6) Each fire door, including its frame and hardware, shall be listed or approved by a nationally recognized testing laboratory. For the definition of a "nationally recognized testing laboratory, see 29 C.F.R. §1910.7 "Definition and requirements for a nationally recognized testing laboratory," as adopted in R 408.10606**

R 408.10634 Number of exits.

Rule 634. (1) **An employer shall ensure that there are an adequate number of exit routes.** ~~Not less than 2 exits, remotely located from each other, shall be provided for every building, floor, or fire area, including a basement. However, a single exit may be permitted when approved in a new and existing low or ordinary hazard occupancy for a building, floor, or fire area with a population of less than 50 persons.~~

(2) Where the contents of a building are classified as high hazard, there shall be not less than 2 exits which are accessible in different directions. All doors shall swing in the direction of exit travel. Where floor areas are divided into rooms, there shall be not less than 2 ways of escape from every room, however small, except for toilet rooms that are not located in areas of high hazard classification-

**(3) The exit routes shall be located as far away as practical from each other so that if 1 exit route is blocked by fire or smoke, employees can evacuate using the second exit route.** ~~A single-story, noncombustible building for industrial or storage occupancy which has an approved fully equipped automatic sprinkler system and which is normally not subject to traffic by other than employees shall have exit doors which will provide safe egress and which are spaced not more than every 300 feet apart on the perimeter wall.~~

**(4) At least 2 exit routes shall be available in a workplace to permit prompt evacuation of employees and other building occupants during an emergency, except as allowed in subrule (6) of this rule.**

**(5) More than 2 exit routes shall be available in a workplace if the number of employees, the size of the building, its occupancy, or the arrangement of the workplace is such that all employees would not be able to evacuate safely during an emergency.**

**(6) A single exit route is permitted where the number of employees, the size of the building, its occupancy, or the arrangement of the workplace is such that all employees would be able to evacuate safely during an emergency.**

**Note: For assistance in determining the number of exit routes necessary for your workplace, consult NFPA 101 "Life Safety Code," 2009 edition or "International Fire Code" 2009 edition, as adopted in R 408.10606.**

R 408.10636 **Maximum travel distance to exits.** ~~Table of exit distances.~~

Rule 636. ~~(1) An industrial or storage occupancy with an ordinary hazard classification may extend the maximum distance of travel to an exit to 400 feet if the occupancy is in a single-story, noncombustible building which has an approved, fully automatic sprinkler system which is in compliance with the provisions of R 408.10921 of general industry safety standard, Part 9. Fixed Fire Equipment.~~

~~(2) An industrial or storage occupancy with an ordinary hazard classification may extend the maximum distance of travel to an exit to more than 400 feet if the occupancy is in a single-story, noncombustible building, has an approved, fully automatic sprinkler system, and the heights of the ceiling, smoke curtain, and roof ventilation are designed to minimize the possibility that an employee may be overtaken by the spread of fire or smoke within 6 feet of the floor level before he or she can reach an exit.~~



~~(3) A building described in subrule (2) of this rule which has a travel distance of more than 400 feet shall have an approved fire alarm system installed in accordance with the provisions of R 408.10981 of general industry safety standard, Part 9. Fixed Fire Equipment, and shall have all of the following equipment:~~

~~(a) A standard approved fire alarm that includes a coded system to a centrally located station, which station shall be supervised during occupancy.~~

~~(b) A manually operated fire alarm sending station at each main exit and in the natural path of escape at an accessible and visible location.~~

~~(c) A fire alarm sending station which is located so that not more than 200 feet will have to be traversed to reach the station.~~

~~(4) A mercantile occupancy with an ordinary hazard classification may extend the maximum distance of travel to an exit to 300 feet if the occupancy is in a single story, noncombustible building with an approved, fully automatic sprinkler system that is in compliance with the provisions of R 408.10921 of general industry safety standard, Part 9. Fixed Fire Equipment. A checkout area or lane not in use shall be equipped with a breakaway device to provide a means of egress in the event of emergency.~~

~~(5) Table 1 reads as follows:~~

TABLE 1			
Type of occupancy	Maximum travel distance to exits (in feet)		Dead-end limits (in feet)
	Unsprinklered	Sprinklered	
Mercantile, ordinary hazard	<del>150</del> 400	<del>250</del> 450	50
Mercantile, high hazard	75	75	0
Business	200	300	50
Industrial	200	<del>250</del> 300	50
Industrial, high hazard	<del>0</del> 75	75	0
Storage, low and ordinary hazard	200	<del>400</del> 300	<del>100</del> 50
Storage, high hazard	75	100	0
Hotels	100	200	<del>50</del> 35
Note: For miscellaneous structures, See R 408.10691 to R 408.10697			

R 408.10637 **Rescinded.** Means of egress capacity.

Rule 637. (1) Where a building is equipped with exits so located as to satisfy travel distance requirements for the occupancy and hazard of contents classifications but has an exit deficiency due to its population density, additional exit capacity shall be provided to satisfy the requirements of these rules.

(2) The capacity of a means of egress shall be measured in units of width of 22 inches. Fractions of a unit shall not be counted, except that 12 inches added to 1 or more full units shall be counted as 1/2 a unit of exit width. A 40 inch door may be rated as 2 units for existing construction only.

~~(3) The capacity of a means of egress shall be limited to the capacity of its lowest rated component. Units of exit width shall be measured in the clear at the narrowest point of the means of egress.~~

R 408.10638 **Rescinded.** Capacity of components.

~~Rule 638. (1) Means of egress components shall have the following rated exiting capacities per unit of width:~~

~~(a) Doors leading outside the building at grade or not more than 21 inches above or below grade..... 100 persons per unit~~

~~(b) Horizontal exits ..... 100 persons per unit~~

~~(c) Stairs and ramps ..... 60 persons per unit~~

~~(d) Fire escapes with access by doors 45 persons per unit~~

~~(e) Fire escapes with access by windows 20 persons per unit~~

~~(2) The exiting capacities prescribed in subrule (1)(a) and (b) may be increased to 150 persons per unit, if the occupancy is equipped with an approved fully automatic sprinkler system.~~

R 408.10639 Capacity as affected by population.

Rule 639. (1) The capacity of a means of egress from a building, floor, balcony, tier, or other occupied space shall be sufficient for the population thereof. The population for industrial and storage occupancies shall be based on the maximum number of employees or persons that may be in the space at any time as determined by actual count. All other types of occupancies shall be not less than the number computed in accordance with the provisions of table 2.

(2) Mercantile occupancy in a single-story, noncombustible building with an approved, fully equipped automatic sprinkler system that is in compliance with **General Industry Safety Standard Part 9 “Fixed Fire Equipment,” as referenced in R 408.10606**, ~~the provisions of R 408.10921 of general industry safety standard, Part 9. Fixed Fire Equipment,~~ may increase the square footage requirement in table 2 by 100%.

(3) The population of an occupancy shall be limited to the existing exit capacity of a building or space.

(4) Where an exit serves more than 1 floor, only the population of each floor considered individually need be used in computing the capacity of the exit at that level, if the exit capacity is not decreased in the direction of exit travel. Where a means of egress from floors above and below converge at an intermediate level, the capacity of the exit from the point of convergency shall be not less than the combined capacity of the converging exits.

(5) Table 2 reads as follows:

TABLE 2	
Type of occupancy	Square feet per person
Mercantile, street floor or sales basement	30
Mercantile, other floors	60
Mercantile, office	100
Mercantile, storage	300
Business	100

Hotel	200
Industrial	<b>100</b> <del>200</del>
<p>Note: The computed population of an occupancy is obtained by dividing the total floor area of a building, floor, or fire area by the indicated square feet per person. Total floor area means the floor area within the perimeter of the outside walls of a building, with no deductions for any of the following:</p> <ul style="list-style-type: none"> <li>(a) Hallways.</li> <li>(b) Stairs.</li> <li>(c) Closets.</li> <li>(d) Thickness of walls.</li> <li>(e) Columns.</li> <li>(f) Other features.</li> </ul>	

**(6) The capacity of an exit route shall be adequate. Information regarding the "Occupant load" is located in NFPA 101 "Life Safety Code," 2009 edition and in the "International Fire Code" 2009 edition, as adopted in R 408.10606.**

**(7) Exit routes shall support the maximum permitted occupant load for each floor served.**

**(8) The capacity of an exit route shall not decrease in the direction of exit route travel to the exit discharge.**

R 408.10641 Exit access and discharge.

Rule 641. (1) An exit access shall not be through a room subject to locking.

(2) An exit access shall be so arranged that it will not be necessary to travel through any area of high hazard occupancy in order to reach the nearest exit.

(3) The minimum width of an exit access shall be at least equal to the required width of the exit to which it leads, but not less than 34 inches. The headroom clearance shall be not less than 6 feet 8 inches from the floor.

(4) An exit discharge shall discharge directly **outside or** to a street, **walkway, refuge area, public way**, or to a yard, court or other open space **with access to the outside.** ~~of such size as to accommodate all employees leaving the building by that exit discharge to safe access to a street.~~

(5) Stairs and other exits shall be arranged to make clear the direction of egress to the street. Where an exit stairs continues beyond the floor of discharge, it shall be interrupted at the floor of discharge by a partition, door or other effective means.

**(6) Exit access by the way of an exterior balcony, porch, gallery, or roof shall be in compliance with all of the following:**

(a) Be kept free from accumulations of snow and ice.

(b) Be permanent direct route without obstructions, such as railings, gates, barriers, or other objects, that might divide the space into sections or rooms. Where furniture or other movable objects might block the path of travel, they shall be secured in place or a standard barrier as prescribed in **General Industry Safety Standard Part 2 "Floor and Wall Openings, Stairways, and Skylights," as referenced in R 408.10606, R 408.10231** ~~of Part 2. Floor and Wall Openings, Stairways and Skylights,~~ shall protect the path of travel.

(c) Have no dead ends in excess of 20 feet.

(d) Comply with this part as to requirements for width and arrangement.

- (7) The street, walkway, refuge area, public way, or open space to which an exit discharge leads shall be large enough to accommodate the building occupants likely to use the exit route.
- (8) An exit door shall be unlocked.
- (9) An outdoor exit route is permitted.
- (10) The outdoor exit route shall have all of the following:
  - (a) Guardrails to protect unenclosed sides if a fall hazard exists.
  - (b) Be covered if snow or ice is likely to accumulate along the route, unless the employer can demonstrate that any snow or ice accumulation will be removed before it presents a slipping hazard.
  - (c) Be reasonably straight and have smooth, solid, substantially level walkways.
  - (d) Not have a dead-end that is longer than 20 feet (6.2 m).
- (11) An exit access shall be so arranged that employees will not have to travel toward a high hazard area, unless the path of travel is effectively shielded from the high hazard area by suitable partitions or other physical barriers.

## DOORS AND STAIRS

R 408.10643 Doors; general provisions.

Rule 643. (1) A door assembly, including the doorway, frame, door, and necessary hardware, may be used as a component in a means of egress when it conforms to the requirements of this part. As such, the assembly is designated as an exit door.

(2) A single leaf of an exit door shall be not less than 28 inches nor more than 48 inches in width.

(3) Where a door or gate opens directly on a stairway, a platform shall be provided, and the swing of the door or gate shall not reduce the floor area leading to the stairs to a width less than 20 inches.

~~(4) A sliding door shall not be used as part of the exit capacity of a building unless it is designed and equipped with a break-away type door.~~

R 408.10644 **Door swing.** ~~Swing.~~

Rule 644. (1) ~~An A side-hinged~~ exit door shall be **used.** ~~of the side-hinged swinging type.~~

The force required to fully open any door in the means of egress shall not be more than **5 pounds** ~~50 pounds (222 newton)~~ applied to the latch side of the door. The door shall swing with exit travel when serving an area of high hazard occupancy or a building, floor, or area with a population of more than 50 **persons.** ~~persons, the construction of which started after the effective date of this part.~~

(2) If 1 or more approved exits are provided and the travel distance requires additional exits, a mechanically aided sliding door may be used to exit to the outside of a building constructed before May 15, 1970, under the following conditions:

(a) The occupancy shall be classified as a low or ordinary storage hazard or an ordinary mercantile hazard.

(b) The mechanical aid to the door shall allow the door to be opened quickly and easily by 1 person.

(c) The mechanical aid of the door shall not be rendered inoperative by fire or the lack of maintenance.

(3) An exit door that gives access to a stairway shall swing in the direction of exit travel, shall not block stairs or landings during its swing, and shall not interfere with the full use of the stairway when open.

(4) An exit door at the foot of stairs from upper floors or at the head of stairs from basements shall swing with exit travel.

(5) A screen door or storm door that is part of a required exit shall not swing against the direction of exit travel in any case where doors are required to swing with exit travel.

**(6) A side-hinged door shall be used to connect any room to an exit route.**

**(7) The door that connects any room to an exit route shall swing out in the direction of exit travel if the room is designed to be occupied by more than 50 people or if the room is a high hazard area; for example, it contains contents that are likely to burn with extreme rapidity or explode.**

R 408.10645 Locks, fastening devices, and closing mechanism.

Rule 645. (1) **Employees shall be able to open an exit route door from the inside at all times without keys, tools, or special knowledge. A device such as a panic bar that locks only from the outside is permitted on exit discharge doors.** ~~In every building or structure, at all times the building or structure is occupied, an exit door shall be arranged and maintained so as to be readily opened without the use of a key from the side from which egress is to be made. Mental, penal, or corrective institutions which employ supervisory personnel who are on 24-hour daily duty and which have provided for the effective removal of occupants in case of fire or other emergencies are excepted from this requirement.~~

(2) A latch or other fastening device on an exit door shall be provided with a knob, handle, panic bar, or other simple type of releasing device. Slide bolts, hasps, hooks and eyes, and similar types of locking devices that are difficult to open against door pressure shall not be installed or used.

(3) A fire door to a stair enclosure or horizontal exit shall be provided with a reliable self-closing mechanism and shall not, at any time, be secured in the open position.

**(4) An exit route door may be locked from the inside only in mental, penal, or correctional facilities and then only if supervisory personnel are continuously on duty and the employer has a plan to remove occupants from the facility during an emergency.**

R 408.10647 Revolving doors.

Rule 647. (1) A revolving door shall be considered an approved exit door only if all of the following conditions are satisfied:

(a) The door shall be installed before the prohibition listed in subrule (2) of this rule.

(b) The number of revolving doors used as exit doors shall not be more than the number of swinging doors used as exit doors within 20 feet thereof.

(c) A revolving door without an adjacent swinging door may serve as an exit for a street floor elevator lobby if no stairway or door from other parts of the building discharges through the lobby and the lobby has no occupancy other than as a means of travel between elevators and the street.

(d) A revolving door shall be equipped with means to prevent its rotation at more than 12 1/2 revolutions per minute.

(e) A revolving door shall not be used at the foot of stairs from upper floors or at the head of stairs from the basement or other lower floors.

(f) A revolving door credited as an exit door shall have a rated capacity of 1/2 unit of exit width.

(2) A revolving door that is installed after **June 15, 1990**, ~~the effective date of this part~~ shall not be considered an approved exit door.

## HORIZONTAL EXITS, RAMPS, AND ESCALATORS

R 408.10661 Horizontal exits.

Rule 661. (1) A fire area or area of refuge with a horizontal exit shall have, in addition to the horizontal exit or exits, at least 1 means of egress leading to the outside, or have access to an adjacent fire area containing an outside means of egress.

**(2) Where either side of a horizontal exit is occupied, the doors used in connection with the horizontal exit shall be unlocked.** ~~A fire area or area of refuge for which credit is allowed in~~

connection with a horizontal exit shall have, in addition to the horizontal exit or exits, at least 1 means of egress leading to the outside.

(3) **The floor area on either side of a horizontal exit shall be sufficient to hold the occupants of both floor areas allowing not less than 3 square feet clear floor area per person.** ~~Where either side of a horizontal exit is occupied, the doors used in connection with the horizontal exit shall be unlocked.~~

(4) **Where a horizontal exit serves areas on both sides of a wall, there shall be adjacent openings with swinging doors at each, opening in opposite directions, with signs on each side of the wall or partition indicating as the exit door which swings with the travel from that side; or other approved arrangements providing doors always swinging with any possible exit travel.** ~~The floor area on either side of a horizontal exit shall be sufficient to hold the occupants of both floor areas allowing not less than 3 square feet clear floor area per person.~~

~~(5) Where a horizontal exit serves areas on both sides of a wall, there shall be adjacent openings with swinging doors at each, opening in opposite directions, with signs on each side of the wall or partition indicating as the exit door the door which swings with the travel from that side; or other approved arrangements providing doors always swinging with any possible exit travel.~~

#### R 408.10664 Ramps.

Rule 664. (1) A ramp may be a component in a means of egress when it conforms to the requirements of this part. A ramp which is constructed after **June 15, 1990, the effective date of this part** and which is less than the minimum measurements prescribed in this rule shall not be considered as an approved part of a means of egress.

(2) A ramp and the platforms and landings associated therewith shall be designed for not less than 100 pounds per square foot live load.

(3) The slope of a ramp shall not vary between landings. A landing shall be level and the changes in direction of travel, if any, shall be made only at landings.

(4) A ramp in a building that is more than 3 stories in height shall be made of noncombustible construction. A ramp floor and landings shall be solid and without perforations.

(5) A ramp shall have a nonslip surface.

(6) A ramp shall have a minimum width of 44 inches and a maximum slope of 1 inch in 12 inches.

### FIRE ESCAPES

#### R 408.10671 Fire escape stairs.

Rule 671. (1) Fire escape stairs may be used as a required exit only in existing buildings. Fire escape stairs shall not constitute more than 50% of the required exit capacity. Fire escape stairs shall not constitute any part of the required exits for a new building.

(2) Fire escape stair dimensions shall be in accordance with table 4. 5:

<b>TABLE 4 TABLE 5</b>	
Minimum Width	22 inches clear between rails
Minimum horizontal dimension of a landing or platform	22 inches
Maximum rise	9 inches
Minimum tread, exclusive of nosing	9 inches

Spiral winders	Not permitted
Maximum height between landings	12 feet

(3) Fire escape stairs shall have walls or approved guards, and handrails on both sides.

R 408.10673 Exposure to fire escape stairs.

Rule 673. Fire escape stairs shall be so arranged that they will be subject to exposure by the smallest possible number of window and door openings. Every opening, any portion of which is within the following limits, shall be completely protected by approved fire doors or metal frame wired glass windows, as follows:

(a) A horizontal opening if within 15 feet of a balcony, platform or stairway constituting a part of the escape proper. This does not apply to a platform or walkway leading from the same floor to the escape proper. Protection need not extend around a right angle corner (outside angle 270 degrees) of the building.

(b) An opening below if within 3 stories or ~~36~~ 35 feet of a balcony, platform, walkway or stairway constituting a part of the escape proper, or within 2 stories or ~~24~~ 20 feet of a platform or walkway leading from any story to the escape proper.

(c) An opening above if within 10 feet of a balcony, platform or walkway, as measured vertically, or from any stair treads, as measured vertically from the face of the outside riser.

(d) An opening on a top story. Protection for wall openings is not required where stairs do not lead to the roof.

R 408.10675 Swinging stairs.

Rule 675. (1) A swinging stair section shall not be used for a fire escape stairs, except where termination is over a sidewalk, alley, or driveway.

(2) A swinging stair section shall not be located over doors, over the path of travel from another exit, nor be in any location where there are obstructions.

(3) The width of a swinging stair section shall be at least equal to that of the stairs above and the pitch shall not be steeper than that of the stairs above.

(4) A counterweight shall be provided for a swinging stair section and this shall be of the type balancing about a pivot, no cables being used. Counter-balancing shall be such that a weight of 150 pounds 1 step from pivot will not start swinging ~~section, action~~, and a weight of 150 pounds, 1/4 of the length of the swinging stairs from the pivot, will positively cause the stairs to swing down.

(5) A latch or other device shall not be installed or used to lock a swinging stair section in the up position.

R 408.10677 Ladders.

Rule 677. No form of ladder shall be used as a fire escape except that a ladder conforming to **General Industry Safety Standard Part 3 “Fixed Ladders,” as referenced in R 408.10606**, ~~occupational safety commission standards, Part 3. Fixed Ladders, being R 408.10301 to R 408.10365 of the Michigan Administrative Code,~~ may be used to provide a means of escape from a boiler room, storage elevator, or tower, as permitted for special miscellaneous occupancies, elevated platforms around machinery, or similar spaces subject to routine simultaneous occupancy by not more than 3 persons.

## ILLUMINATION AND MARKING

**R 408.10680 Lighting.**

**Rule 680. (1) Lighting and marking shall be adequate and appropriate.**

**(2) Each exit route shall be adequately lighted so that an employee with normal vision can see along the exit route.**

**R 408.10685 Signs.**

Rule 685. (1) A means of egress to an exit not immediately apparent from any point in an occupancy shall be marked by directional signs. **Additionally, the line-of-sight to an exit sign shall be clearly visible at all times.**

(2) A door, passage, or stairway, which is neither an exit nor an exit access, and which is so located or arranged as to be likely mistaken for an exit, shall be identified by a sign reading "NOT AN EXIT" or similar designation, or be identified by a sign indicating its actual use or character.

(3) A sign shall designate an exit and shall be located and be of such size and color and design as to be readily visible and identifiable from the distance of travel for that particular occupancy.

**(4) Each exit must be clearly visible and marked by a sign reading "EXIT."**

**R 408.10686 Sign illumination and letter size.**

Rule 686. (1) An exit sign shall be illuminated **to a surface value of at least 5 foot-candles (54 lux) by a reliable light source and be distinctive in color. Self-luminous or electroluminescent signs that have a minimum luminance surface value of at least .06 foot lamberts (0.21 cd/m<sup>2</sup>) are permitted.** ~~by a light source giving a value of not less than 5.0 footcandles on the illuminated surface.~~

(2) An exit sign shall have the word "EXIT" in plainly legible letters not less than 6 inches **(15.2 cm)** high, with the principal strokes of the letters **in the word "EXIT"** not less than 3/4 ~~inch of an inch~~ **(1.9 cm)** wide.

(3) An internally illuminated exit sign shall be provided where the reduction of normal illumination is permitted and less than 5 footcandles would appear on the exit sign.

**R 408.10695 Storage elevators for combustible commodities.**

Rule 695. (1) In a storage elevator for combustible commodities there shall be at least 1 stairway from the basement to the first floor and from the first floor to the top floor of the working house which is enclosed in a dust-tight, noncombustible shaft.

(2) A noncombustible door of the self-closing type shall be provided at each floor landing.

(3) An exterior stair or basket ladder-type fire escape, as prescribed in **General Industry Safety Standard Part 3 "Fixed Ladders," as referenced in R 408.10606**, ~~the provisions of general industry safety standard, Part 3. Fixed Ladders, being R 408.10301 et seq. of the Michigan Administrative Code,~~ shall be provided from the roof of the working house to ground level or to the roof of an adjoining annex with access from all floors above the first.

(4) An exterior stair or basket ladder-type fire escape, as prescribed in **General Industry Safety Standard Part 3 "Fixed Ladders," as referenced in R 408.10606**, ~~the provisions of general industry safety standard, Part 3. Fixed Ladders, being R 408.10301 et seq. of the Michigan Administrative Code,~~ shall be provided from the roof of each storage annex to ground level.

(5) A fire escape ladder shall be provided adjacent to a manlift for the up and down sides.

(6) A storage elevator shall have an opening that leads to a fire escape ladder from each floor or work level.

(7) Storage elevators for combustible commodities that exist before April 30, 1974, do not need to comply with the provisions of subrules (1) and (2) of this rule.



R 408.10696 Towers.

Rule 696. (1) A tower occupied for purposes such as observation or signaling, either an independent structure or on top of a building, shall be permitted with a single stairway or ramp exit if all of the following conditions are met:

(a) The tower is of such size as not to be subject to occupancy by more than 25 persons on any 1 floor level.

(b) The tower is subject only to occupancy by persons capable of descending the stairway and is not used for living or sleeping purposes.

(c) The construction is fire-resistive, noncombustible, or heavy timber, with no quick-burning interior finish. There shall be no combustible materials in, under, or in the immediate vicinity of the tower, except as necessary to perform the requirements of occupancy.

(2) Stairs shall conform to the requirements of this part, except that for existing towers fire escape type stairs may be used. ~~(See General Industry Safety Standard Part 3 “Fixed Ladders,” as referenced in R 408.10606. occupational safety standards commission standards, Part 3. Fixed Ladders, being R 408.10301 et seq. of the Michigan Administrative Code.)~~

(3) A tower, such as a forest fire observation tower and a railroad signal tower designed for occupancy by not more than 3 persons employed therein, need not be constructed of fire-resistive, noncombustible material and may be served by ladders instead of stairs. ~~(See General Industry Safety Standard Part 3 “Fixed Ladders,” as referenced in R 408.10606. occupational safety standards commission standards, Part 3. Fixed Ladders, being R 408.10301 et seq. of the Michigan Administrative Code.)~~

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**ADMINISTRATIVE RULES**

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**DEPARTMENT OF ~~LABOR AND ECONOMIC GROWTH~~ LICENSING AND REGULATORY  
AFFAIRS**

**DIRECTOR'S OFFICE**

**GENERAL INDUSTRY SAFETY STANDARDS**

Proposed draft December 11, 2014

Filed with the Secretary of State of

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of ~~labor and economic growth licensing and regulatory affairs~~ by sections 16 and 21 of 1974 PA 154 **MCL 408.1016 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030**) and ~~Executive Reorganization Order Nos. 1996-2 and 2003-1, MCL 408.1019, 408.1021, 445.2001, and 445.2011~~)

R 408.15001, R 408.15002, R 408.15003, and R 408.15004 of the Michigan Administrative Code are amended, as follows:

**PART 50. TELECOMMUNICATIONS**

R 408.15001 Adoption of **standard by reference. federal O.S.H.A. standard.**

Rule 5001. (1) The **provisions of federal occupational safety and health administration regulation 29 C.F.R. 1910.268 "Telecommunications," effective January 5, 2005,** ~~administration's regulations on telecommunications that have been promulgated by the United States department of labor and codified at 29 C.F.R. §1910.268,~~ are adopted by reference in these rules, ~~as of the effective date of these rules,~~ except as noted in subrule (2) of this rule.

(2) ~~Paragraphs (a)(2)(i) and (a)(3) of~~ **The subrules 29 C.F.R. §1910.268(a)(2)(i) and (a)(3)** are excepted.

(3) ~~As of the effective date of these rules, the~~ **The** words "for purposes of 29 CFR 1910.34," as used in 29 C.F.R. §1910.268(b)(1)(iii), are excepted.

(4) ~~As of the effective date of these rules, A reference to §1910.110 "Storage and handling of liquefied petroleum gases," referenced in 29 C.F.R. §1910.268(b)(4), means general industry safety standard Part 56. Storage~~ **General Industry Safety Standard Part 56 "Storage and Handling of Liquefied Petroleum Gases," as referenced in R 408.15004.** ~~Gases, R 408.15601.~~

~~(5) As of the effective date of these rules, the~~ **The** words "Assistant Secretary for Occupational Safety and Health," as used in 29 C.F.R. §1910.268(e), **means** ~~mean~~ director of the department of **licensing and regulatory affairs.** ~~labor and economic growth.~~

~~(6) As of the effective date of these rules;~~ **A reference to** §1910.137, **“Electrical protective devices,”** referenced in 29 C.F.R. §1910.268(f)(1), **means** ~~general industry safety standard Part 33. Personal~~ **General Industry Safety Standard Part 33 “Personal Protective Equipment,”** as referenced in **R 408.15004.** ~~Equipment, R 408.13387.~~

~~(7) As of the effective date of these rules, the words~~ **A reference to** "Subpart D of this part," **means** **General Industry Safety Standard Part 3 “Fixed Ladders,”** and **General Industry Safety Standard Part 4 “Portable Ladders,”** as referenced in **R 408.15004.** ~~as used in 29 C.F.R. §1910.268(h)(1), mean general industry safety standard Part 3. Fixed Ladders, R 408.10301 et seq. and Part 4. Portable Ladders, R 408.10401 et seq.~~

~~(8) As of the effective date of these rules,~~ **A reference to** §1910.25(c)(5), **means** **Construction Safety Standard Part 30 “Telecommunications,”** as referenced in **R 408.15004.** ~~referenced in 29 C.F.R. §1910.268(h)(5), means construction safety standard Part 30. Telecommunications, R 408.43004.~~

~~(9) As of the effective date of these rules,~~ **A reference to** § 1910.133, (a)(2) to (a)(6), **means** **General Industry Safety Standard Part 33 “Personal Protective Equipment,”** as referenced in **R 408.15004.** ~~referenced in 29 C.F.R. §1910.268(i)(2), mean general industry safety standard Part 33. Personal Protective Equipment, R 408.13301 et seq.~~

~~(10) As of the effective date of these rules;~~ **A reference to** subpart Q, **means** **General Industry Safety Standard Part 12 “Welding and Cutting,”** as referenced in **R 408.15004.** ~~referenced in 29 C.F.R. §1910.268(i)(9), means general industry safety standard Part 12. Welding and Cutting, R 408.11201 et seq.~~

~~(11) As of the effective date of these rules, the words~~ **A reference to** "Subpart W of Part 1926 of this title," **means** **Construction Safety Standard Part 13 “Mobile Equipment,”** as referenced in **R 408.15004.** ~~as used in 29 C.F.R. §1910.268(j)(2)(i), mean construction safety standard Part 13. Mobile Equipment, R 408.41301 et seq.~~

~~(12) As of the effective date of these rules;~~ **A reference to** American National Standards Institute (ANSI) standard **Standard ANSI J6.6 – 1971 edition,** referenced in 29 C.F.R. §1910.268(n)(11)(iv), **means** American Society for Testing and Materials (ASTM) standard **Standard ASTM D 120, Standard 120 “Standard Specification for Rubber Insulating Gloves, Gloves,”** 1977 ~~edition.~~ **edition,** as referenced in **R 408.15004.**

~~(13) As of the effective date of these rules;~~ **A reference to** §1910.97, **means** **Occupational Health Standard Part 382 “Nonionizing Radiation,”** as referenced in **R 408.15004.** ~~referenced in 29 C.F.R. §1910.268(p)(2), means occupational health standard Part 382. Nonionizing Radiation, R 325.60701 et seq.~~

~~(14) The adopted federal regulations shall have the same force and effect as a rule promulgated under the Michigan Occupational Safety and Health Act, 1974 PA Act No. 154, of the Public Acts of 1974, as amended, MCL 408.1001 to 408.1094. et seq.~~

R 408.15002 Applicability.

Rule 5002. Operations or conditions not specifically covered by these rules are subject to all the applicable standards promulgated by the **Michigan Occupational Safety and Health Act (MIOSHA).** ~~general industry safety standards commission. Operations which involve construction work are subject to all the applicable standards promulgated by the construction safety standards commission.~~

R 408.15003 Employer responsibility.

Rule 5003. Where personal protective equipment is required by ~~any provision of 29 C.F.R. §1910.268 “Telecommunications,” as adopted by reference in these rules, Telecommunications, adopted by reference in R 408.15001, that~~ the personal protective equipment shall be provided for ~~and as prescribed in General Industry Safety Standard Part 33 “Personal Protective Equipment,” as referenced in R 408.15004.~~ ~~general industry safety standard Part 33. Personal Protective Equipment, R 408.13301 et seq.~~

R 408.15004 Availability of documents.

Rule 5004. (1) The federal regulations adopted by reference in these rules are available **from the United States Department of Labor, Occupational Safety and Health Administration website: www.osha.gov, at no charge, as of the time of adoption of these rules.** ~~without cost as of the time of adoption of these rules from the United States Department of Labor, OSHA, 315 West Allegan, Room 315, Lansing, Michigan 48933, or via the internet at website: www.osha.gov, or from the Michigan Department of Labor and Economic Growth, MIOSHA Standards Section, P.O. Box 30643, Lansing, Michigan 48909.~~

(2) **The federal regulations adopted in these rules are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.** ~~The following Michigan occupational safety and health standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Labor and Economic Growth, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.~~

~~(a) General Industry Safety Standard Part 3. Fixed Ladders, R 408.10301 et seq.~~

~~(b) General Industry Safety Standard Part 4. Portable Ladders, R 408.10401 et seq.~~

~~(c) General Industry Safety Standard Part 12. Welding and Cutting, R 408.11201 et seq.~~

~~(d) Construction Safety Standard Part 13. Mobile Equipment, R 408.41301 et seq.~~

~~(e) General Industry Safety Standard Part 33. Personal Protective Equipment, R 408.13301 et seq.~~

~~(f) General Industry Safety Standard Part 56. Storage and Handling of Liquefied Petroleum Gases, R 408.15601.~~

~~(g) Occupational Health Standard Part 382. Nonionizing Radiation, R 325.60701 et seq.~~

(3) **The federal regulations adopted in these rules may be obtained from the publisher or may also be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.** ~~The following standards are referenced in these rules and are available from Global Engineering Documents, 15 Inverness Way East, Englewood, Colorado, 80112, telephone number 1-800-854-7179, website: www.global.ihs.com, at a cost as of the time of adoption of these rules, as stated in this rule:~~

~~(a) American Society for Testing and Materials (ASTM) standard B117-64, Standard Practice for Operating Salt Spray (Fog) Apparatus. Cost: \$40.00.~~

~~(b) American National Standards Institute (ANSI) standard Z89.2-1971, Industrial Protective Helmets for Electrical Workers. Cost: \$25.00.~~

~~(c) American National Standards Institute (ANSI) standard B30.6-1969, Safety Code for Derricks. Cost: \$40.00.~~

~~(d) American Society for Testing and Materials (ASTM) standard D-120, Standard Specification for Rubber Insulating Gloves, 1977 edition. Cost: \$54.00.~~

~~(e) American National Standards Institute (ANSI) standard A92.2-1969, Vehicle-Mounted Elevating and Rotating Devices. Cost: \$20.00.~~

**(4) The following standards are referenced in these rules and are available from Global Engineering Documents, 15 Inverness Way East, Englewood, Colorado, 80112, telephone number 1-800-854-7179, website: [www.global.ihs.com](http://www.global.ihs.com), at a cost as of the time of adoption of these rules, as stated in this rule:**

**(a) American Society for Testing and Materials Standard ASTM B117 “Standard Practice for Operating Salt Spray (Fog) Apparatus,” 1964 edition. Cost: \$40.00.**

**(b) ASTM D120 “Standard Specification for Rubber Insulating Gloves,” 1977 edition. Cost: \$54.00.**

**(c) American National Standards Institute Standard ANSI A92.2 “Vehicle-Mounted Elevating and Rotating Devices,” 1969 edition. Cost: \$20.00.**

**(d) ANSI B30.6 “Safety Code for Derricks,” 1969 edition. Cost: \$40.00.**

**(e) ANSI Z89.2 “Industrial Protective Helmets for Electrical Workers,” 1971 edition. Cost: \$25.00.**

**(5) The following Michigan occupational safety and health (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: [www.michigan.gov/mioshastandards](http://www.michigan.gov/mioshastandards). For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.**

**(a) Construction Safety Standard Part 13 “Mobile Equipment,” R 408.41301.**

**(b) General Industry Safety Standard Part 3 “Fixed Ladders,” R 408.10301 to R 408.10372.**

**(c) General Industry Safety Standard Part 4 “Portable Ladders,” R 408.10401 to R 408.10456.**

**(d) General Industry Safety Standard Part 12 “Welding and Cutting,” R 408.11201 to R 408.11299.**

**(e) General Industry Safety Standard Part 33 “Personal Protective Equipment,” R 408.13301 to R 408.13398.**

**(f) General Industry Safety Standard Part 56 “Storage and Handling of Liquefied Petroleum Gases,” R 408.15601.**

**(g) Occupational Health Standard Part 382 “Nonionizing Radiation,” R 325.60701 to R 325.60704.**

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**ADMINISTRATIVE RULES**

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**DEPARTMENT OF ~~CONSUMER AND INDUSTRY SERVICES~~ LICENSING AND**

**REGULATORY AFFAIRS**

**~~BUREAU OF SAFETY AND REGULATION~~ DIRECTOR'S OFFICE**

**GENERAL INDUSTRY SAFETY STANDARDS COMMISSION**

Proposed Draft December 10, 2014

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These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of ~~consumer and industry services~~ **licensing and regulatory affairs** by sections 16 and 21 of **1974 PA 154, MCL 408.1016 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030**) Act No. 154 of the Public Acts of 1974, as amended, and Executive Reorganization Order No. 1996-2, being §§408.1016, 408.1021, and 445.2001 of the Michigan Compiled Laws)

R 408.15501 of the Michigan Administrative Code is amended, as follows:

**PART 55. EXPLOSIVES AND BLASTING AGENTS**

R 408.15501 Adoption of standard by reference.

Rule 5501. (1) **The provisions of federal occupational safety and health administration regulation C.F.R. 1910.109 “Explosives and blasting agents” effective June 18, 1998, is adopted by reference in these rules.**

(2) **The standard adopted in this rule is available from the United States Department of Labor, Occupational Safety and Health Administration website: [www.osha.gov](http://www.osha.gov), at no charge as of the time of adoption of these rules.**

(3) **The standard adopted in this rule is available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.**

(4) **The standard adopted in this rule may be obtained from the publisher or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost of the standard plus \$20.00 for shipping and handling.** ~~The provisions of 29 C.F.R. §1910.109 are adopted by reference in this rule, as published in 39 F.R. p. 23502, June 27, 1974, and as amended at 43 F.R. p.~~

~~49747, October 24, 1978; 45 F.R. p. 60704, September 12, 1980; 53 F.R. p. 12122, April 12, 1988; 57 F.R. p. 6403, February 24, 1992; 58 F.R. p. 16496, March 29, 1993; 58 F.R. p. 35309, June 30, 1993; 61 F.R. p. 9227, March 7, 1996; and 63 F.R. p. 33450, June 18, 1998.~~

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**ADMINISTRATIVE RULES**

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(By authority conferred on the director of the department of ~~consumer and industry services licensing and regulatory affairs~~ by sections 16 and 21 of 1974 PA 154, **MCL 408.1016 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030**) and ~~Executive Reorganization Order No. 1996-2, MCL 408.1016, 408.1021, and 445.2001~~)

R 408.15601 of the Michigan Administrative Code is amended, as follows:

**PART 56. STORAGE AND HANDLING OF LIQUEFIED PETROLEUM GASES ~~-(1910.110)~~**

R 408.15601 Adoption of standard by reference.

Rule 5601. (1) **The provisions of federal occupational safety and health administration regulation C.F.R. 1910.110 “Storage and handling of liquefied petroleum gases” effective December 14, 2007, is adopted by reference in these rules.**

(2) **The standard adopted in this rule is available from the United States Department of Labor, Occupational Safety and Health Administration website: [www.osha.gov](http://www.osha.gov), at no charge as of the time of adoption of these rules.**

(3) **The standard adopted in this rule is available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.**

(4) **The standard adopted in this rule may be obtained from the publisher or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost of the standard plus \$20.00 for shipping and handling.** ~~The provisions of 29 C.F.R. §1910.110 as published in the federal register on June 27, 1974, p. 23502, and as amended in the federal register on October 24, 1978, p. 49747; February 10, 1984, p. 5322; April 12, 1988, p. 12122; June 20, 1990, p. 25094; August 6,~~



~~1990, p. 32015; March 19, 1993, p. 15089; June 30, 1993, p. 35309; March 7, 1996, p. 9227; and June 18, 1998, p. 33450, are adopted by reference in this rule. The adopted regulations are available from the United States Department of Labor, Occupational Safety and Health Administration, 801 South Waverly, Room 306, Lansing, Michigan 48917, at no charge as of the time of adoption of this rule, or from the Michigan Department of Consumer and Industry Services, Standards Division, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909, at no charge as of the time of adoption of this rule.~~

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**ADMINISTRATIVE RULES**

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R 408.15915, R 408.15922, and R 408.15923 of the Michigan Administrative Code is amended, and R 408.15903 is added, and R 408.15911 is rescinded, as follows:

**PART 59. HELICOPTERS**

**R 408.15903 MIOSHA referenced standard.**

**Rule 5903. The Michigan occupational safety and health (MIOSHA) standard General Industry Safety Standard Part 33 “Personal Protective Equipment,” R 408.13301 to R 408.13398, is referenced in these rules. Up to 5 copies of is standard may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143 or via the internet at website: [www.michigan.gov/mioshastandards](http://www.michigan.gov/mioshastandards). For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.**

R 408.15911 **Rescinded.** ~~External lift operations; qualifications for operator and helicopter.~~  
~~Rule 5911. (1) An operator of a helicopter or a rotorcraft conducting external lifting operations shall have an operator's certificate for rotorcraft operation covering the type of operation being conducted, issued by the federal aviation administration, which shall be displayed within the craft being operated. (2) Where required by the federal aviation administration or another governmental agency, the appropriate authority shall be notified that an external lift operation has been planned.~~

~~(3) A helicopter shall comply with applicable regulations of the federal aviation administration code, 14 C.F.R. Part 27 1974 and Parts 60 to 199 1975, which are incorporated herein by reference and are available for inspection at the Lansing office of the department of labor. This code may be purchased at a cost of \$7.50 from the Government Printing Office, North Capital and H Streets, Washington, D.C. 20401, or from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48909.~~

R 408.15915 Personal protective equipment; loose clothing.

Rule 5915. (1) Except during an emergency operation, eye protection, as prescribed in **General Industry Safety Standard Part 33 “Personal Protective Equipment,” as referenced in R 408.15903**, ~~general industry safety standard, Part 33. Personal Protective Equipment, being R 408.13301 to R 408.13369 of the Michigan Administrative Code,~~ shall be provided and used by a ground crew employee while working on an operation covered by **these rules** ~~this part~~ when there is exposure to rotor wash.

(2) Except during an emergency operation, head protection shall be provided and used as prescribed in **General Industry Safety Standard Part 33 “Personal Protective Equipment,” as referenced in R 408.15903**, ~~general industry safety standard, Part 33. Personal Protective Equipment, being R 408.13370 to R 408.13378 of the Michigan Administrative Code,~~ and shall be secured by a chin strap by a ground crew employee working on an operation covered by this part when lifting or landing a load.

(3) Loose fitting clothing likely to flap in rotor downwash, and thus be snagged on the hoist line, shall not be worn.

R 408.15922 Providing and training ground employees; ~~weight limitation~~; checking size, weight, and connection of load; tag line, pressed sleeve, hoist wire, or other gear; static charge; rated capacity of load line.

Rule 5922. (1) Ground employees shall be provided, and they shall be properly trained to ensure that helicopter loading and unloading operations can be performed safely.

~~(2) The weight of an external load shall not exceed the federal aviation administration rated capacity of the helicopter.~~

~~(2)(3)~~ The size and weight of loads, and the manner in which loads are connected to the helicopter, shall be checked by the pilot in command. A lift shall not be made if the helicopter pilot in command determines that the lift cannot be made safely.

~~(3)(4)~~ A load shall be properly slung. A tag line shall be of a length that does not permit it being drawn up into the rotors. A pressed sleeve, **swedged** ~~swaged~~ eye, or equivalent means shall be used for a freely suspended load to prevent a hand splice from spinning open or a cable clamp from loosening.

~~(4)(5)~~ A hoist wire or other gear, except for a pulling line or conductor that is allowed to **"pay out"** ~~"play out"~~ from a container or roll off a reel, shall not be attached to any fixed ground structure or allowed to foul on any fixed structure.

~~(5)(6)~~ The static charge on the suspended load shall be dissipated with a grounding device before ground personnel touch the suspended load, unless protective rubber gloves are being worn when touching the load

~~(6)(7)~~ A load line shall have a working load rating of not less than the rated capacity of the helicopter.

R 408.15923 Cargo hooks.

Rule 5923. (1) An electrically operated cargo hook shall have the electrical activating device so designed and installed as to prevent inadvertent operation.

(2) A cargo hook shall be equipped with an emergency mechanical control for releasing the load.

(3) **The employer shall ensure that a** ~~A hook is shall be~~ tested prior to operation each day by a competent person to determine that the electrical and mechanical releases function properly.

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**ADMINISTRATIVE RULES**

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

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(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154, **MCL 408.1016 and 408.1021**, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, **445.2011**, ~~445.2011~~, 445.2025, and 445.2030)

R 408.17310, R 408.17312, R 408.17314, R 408.17315, R 408.17316, R 408.17317, R 408.17318, and R 408.17320, of the Michigan Administrative Code are amended and R 408.17302 of the Code is added, as follows:

PART 73. FIRE BRIGADES

**R 408.17302. Adopted and referenced standards,**

**Rule 7302. (1) The National Fire Protection Association Standard NFPA 1971 “Standard on protective ensemble for structural fire fighting and proximity fire fighting,” 1997 edition is adopted by reference in these rules and is available from IHS Global, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at website: [www.global.ihs.com](http://www.global.ihs.com); at a cost as of the time of adoption of these rules, of \$27.00.**

**(2) The standards adopted in these rules are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.**

**(3) Copies of the standards adopted in these rules may be obtained from the publisher or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.**

**(4) The following Michigan occupational safety and health standards (MIOSHA) are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of licensing and regulatory affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, P.O. Box 30643, Lansing, MI, 48909-8143 or via the internet at website: [www.michigan.gov/miohastandards](http://www.michigan.gov/miohastandards). For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.**

**(a) General Industry Safety Standard Part 8 “Portable Fire Extinguishers,” R 408.10801 to R 408.10839.**

**(b) General Industry Safety Standard Part 33 “Personal Protective Equipment,” R 408.13301 to R 40898.**

**(c) Occupational Health Standard Part 451 “Respiratory Protection,” R 325.60051 to R 325.60052.**

R 408.17310 Employer responsibilities.

Rule 7310. (1) The employer having a fire brigade shall prepare and maintain a statement or written policy ~~that which~~ establishes the existence of a fire brigade; and the basic organizational structure; the type, amount, and frequency of training to be provided to fire brigade members; the expected number of members in the fire brigade; and the functions that the fire brigade is to perform at the workplace. The organizational statement shall be available for inspection by the director of the department of licensing and regulatory affairs and by employees or their designated representatives.

(2) The employer shall assure that employees who are expected to do structural fire fighting are physically capable of performing duties ~~that which~~ may be assigned to them during emergencies. The employer shall not permit employees with known heart disease, epilepsy, or emphysema to participate in fire brigade emergency activities unless a physician’s certificate of the employees’ fitness to participate in such activities is provided. For employees assigned to fire brigades before **September 15, 1980**, ~~the effective date of this part~~, this rule is effective on September 15, 1985. For employees assigned to fire brigades after **September 15, 1980**, ~~the effective date of this part~~, this rule applies.

R 408.17312 Fire fighting equipment.

Rule 7312. (1) The employer shall maintain and inspect, at least annually, fire fighting equipment to assure the safe operational condition of the equipment. ~~Portable fire extinguishers shall be inspected in accordance to R 408.10835 of Part 8. Portable Fire Extinguishers, and respirators shall be inspected at least monthly. Fire fighting equipment that is in damaged or unserviceable condition shall be removed from service and replaced.~~

**(2) The employer shall ensure that portable fire extinguishers are inspected, at least monthly, in accordance with General Industry Safety Standard Part 8 “Portable Fire Extinguishers,” as referenced in R 408.17302.**

**(3) The employer shall ensure that fire fighting equipment that is in damaged or unserviceable condition is removed from service and replaced.**

R 408.17314 Personal protective equipment generally.

Rule 7314. (1) ~~The following requirements in these rules~~ apply to those employees who perform interior structural fire fighting. The requirements do not apply to employees who use fire extinguishers or standpipe systems to control or extinguish fires only in the incipient stage.

(2) An employer shall provide, and ensure the use of protective clothing that is in compliance with the requirements of this part. An employer shall provide the clothing without cost to an employee. An employer shall assure that protective clothing ordered or purchased after **March 1, 1984**, ~~the effective date of this part~~ meets the requirements contained in this part. As new equipment is provided, an employer shall assure that all fire brigade members wear the equipment when performing interior structural fire fighting. An employer shall provide foot and leg protection. An employer shall ensure that protective shoes or boots that are worn in combination with protective trousers meet the requirements of R 408.17316.

(3) The employer shall assure that protective clothing protects the head, body, and extremities, and consists of at least the following components: foot and leg protection; hand protection; body protection; face, eye, and head protection.

R 408.17315 Foot and leg protection.

Rule 7315. (1) Foot and leg protection shall be provided and may be achieved by either of the following methods:

(a) Fully extended boots which provide protection for the legs.  
(b) Protective shoes or boots worn in combination with protective trousers that meet the requirements of R 408.17316.

(2) An employer shall ensure that protective footwear meets the requirements of NFPA 1971 -97, **“Standard on protective ensemble for structural fire fighting and proximity fire fighting,” 1997 edition, as adopted in R 408.17302.** ~~NFPA 1971-97 is adopted by reference in these rules and may be purchased from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909, or from the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, Massachusetts 02269-9101, (1-800-344-3555), website: www.nfpa.org, at a cost as of the time of adoption of these rules of \$50.50.~~

R 408.17316. Body protection.

Rule 7316. (1) Body protection shall be coordinated with foot and leg protection to ensure full body protection for the wearer, which shall be achieved by 1 of the following methods:

(a) Wearing of a fire-resistive coat meeting the requirements of subrule (2) of this rule in combination with fully extended boots meeting the requirements of R 408.17315.

(b) Wearing of fire-resistive coat in combination with protective trousers both of which meet the requirements of subrule (2) of this **rule section**.

(2) The performance, construction, and testing of fire-resistive coats and protective trousers shall be at least equivalent to the requirements of ~~the national fire protection association standard NFPA 1971 -97,~~ **“Standard on protective ensemble for structural fire fighting and proximity fire fighting,” 1997 edition, as adopted in R 408.17302.** ~~NFPA 1971-97 is adopted by reference in R 408.17315(2).~~

R 408.17317 Hand protection.

Rule 7317. Hand protection shall consist of protective gloves or a glove system that will provide protection against cuts, punctures, and heat penetration. Gloves or a glove system shall meet the requirements of NFPA 1971 -97, **“Standard on protective ensemble for structural fire fighting and proximity fire fighting,” 1997 edition, as adopted in R 408.17302.** ~~NFPA 1971-97 is adopted by reference in R 408.17315(2).~~

R 408.17318 Head, eye, and face protection.

Rule 7318. (1) Head protection shall consist of a protective head device that has ear flaps and a chin strap ~~that which~~ meet the performance, construction, and testing requirements of NFPA 1971 -97, **“Standard on protective ensemble for structural fire fighting and proximity fire fighting,” 1997 edition, as adopted in R 408.17302.** ~~NFPA 1971-97 is adopted by reference in R 408.17315 (2).~~

(2) Protective eye and face devices that comply with ~~R 408.13301 et seq.~~ **General Industry Safety Standard Part 33 “Personal Protective Equipment,” as referenced in R 408.17302,** shall be used by fire brigade members when performing operations where the hazards of flying or falling materials are present and might cause eye and face injuries. ~~Protective eye and face devices provided as accessories to protective head devices (face shields) are permitted if the devices meet the requirements of R 408.13301~~

~~et seq. The provisions of R 408.13301 et seq. are available from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909.~~

(3) Full facepieces, helmets, or hoods of breathing apparatus that meet the requirements of **General Industry Safety Standard Part 33 “Personal Protective Equipment,” as referenced in R 408.17302,** ~~R 408.13301 et. seq.~~ are acceptable as meeting the eye and face protection requirements of this part.

**(4) Protective eye and face devices provided as accessories to protective head devices, face shields are permitted if the devices meet the requirements of General Industry Safety Standard Part 33 “Personal Protective Equipment,” as referenced in R 408.17302.**

R 408.17320 Respiratory protection devices.

Rule 7320. (1) ~~An approved self-contained breathing apparatus that has a full facepiece shall be provided to and worn by fire service personnel while working in atmospheres where toxic products of combustion or an oxygen deficiency may be present. The apparatus shall also be worn during emergency situations involving toxic substances. An employer shall ensure that respirators are provided to, and used by, each fire brigade member, members and that the respirators meet the requirements of Occupational Health Standard Part 451 “Respiratory Protection,” as referenced in R 408.17302, for each employee required to use a respirator. 29 C.F.R. 1910.134 and this rule.~~

~~(2) Self-contained breathing apparatus shall have a minimum service life rating of 30 minutes in accordance with the methods and requirements of the national institute for occupational safety and health (NIOSH) except for escape self-contained breathing apparatus (ESCBAs) used only for emergency purposes.~~

~~(3) All compressed air cylinders used with self-contained breathing apparatus shall meet department of transportation (DOT) requirements which are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 or the criteria of the national institute for occupational safety and health (NIOSH), Cincinnati Technical Center, 435 Elm Street, Suite 500, Cincinnati, Ohio 45202.~~

~~(2)(4)~~ Self-contained breathing apparatus shall be provided with an indicator that automatically sounds an audible alarm when the remaining service life of the apparatus is reduced to within a range of 20% to 25% of its rated service time.

~~(3)(5)~~ An employer shall ensure that self-contained breathing apparatus **ordered or purchased after July 1, 1981, for use by fire brigade members performing interior structural fire fighting operations, are of the pressure-demand or other positive-pressure type. Effective July 1, 1983, only pressure-demand or other positive-pressure self-contained breathing apparatus shall be worn by fire brigade members performing interior structural fire fighting.** ~~for use by fire service personnel is of the positive-pressure type. All breathing apparatus that is purchased after the effective date of these amendatory rules shall be in compliance with the national fire protection association standard NFPA 1981-87, open-circuit self-contained breathing apparatus NFPA 1981-87 is adopted by reference in . these rules and is available from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269, (1-800-344-3555), website: www.nfpa.org, or from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, P.O. Box 30643, Lansing, Michigan 48909, at a cost as of the time of adoption of these amendatory rules of \$27.00.~~

~~(4)(6)~~ Subrule ~~(3)(5)~~ of this rule does not prohibit the use of a self-contained breathing apparatus if the apparatus can be switched from a demand mode to a positive-pressure mode. **However, such apparatus shall be in the positive-pressure mode when fire brigade members are performing interior structural fire fighting operations.** ~~when fire service personnel are performing emergency operations. However, the apparatus shall be in the positive-pressure mode.~~



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**ADMINISTRATIVE RULES**

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**DEPARTMENT OF ~~CONSUMER AND INDUSTRY SERVICES~~ LICENSING AND**

**REGULATORY AFFAIRS**

**DIRECTOR'S OFFICE**

**GENERAL INDUSTRY SAFETY STANDARDS**

Proposed draft November 3, 2014

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of ~~consumer and industry services licensing and regulatory affairs~~ by sections 16 and 21 of 1974 PA 154, **MCL 408.1016 to and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030**) as amended, ~~and Executive Reorganization Order No. 1996-2, being MCL §§408.1016, 408.1021, and 445.2001~~)

R 408.17801 of the Michigan Administrative Code is amended, as follows:

**PART 78. STORAGE AND HANDLING OF ANHYDROUS AMMONIA ~~-(1910.111)~~**

R 408.17801 Adoption of standard by reference.

Rule 7801. (1) **The provisions of federal occupational safety and health administration regulation C.F.R. 1910.111 “Storage and handling of anhydrous ammonia” effective December 14, 2007, is adopted by reference in these rules.**

(2) **The standard adopted in this rule is available from the United States Department of Labor, Occupational Safety and Health Administration website: [www.osha.gov](http://www.osha.gov), at no charge as of the time of adoption of these rules.**

(3) **The standard adopted in this rule is available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.**

(4) **The standard adopted in this rule may be obtained from the publisher or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost of the standard plus \$20.00 for shipping and handling.** ~~The provisions of 29 C.F.R. §1910.111 are adopted by reference in this rule, as published in the Federal Register on June 27, 1974, p.23502, and as amended in the Federal Register on October 24, 1978, p.49748; February 10, 1984, p. 5322; April 12, 1988, p.~~

~~12122; March 7, 1996, p 9227; January 8, 1998, p. 1152; and June 18, 1998, p. 33450. The adopted provisions are available from the United States Governmental Printing Office, Washington DC, 20402-9325, phone: 202-783-3238 or web site: [www.osha.gov](http://www.osha.gov) at no cost as of the time of adoption of this rule, or from the Michigan Department of Consumer and Industry Services, Standards Division, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909, phone: 517-322-1845 or web site: [www.cis.state.mi.us/bsr/divisions/std](http://www.cis.state.mi.us/bsr/divisions/std) at no cost as of the time of adoption of this rule.~~

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**ADMINISTRATIVE RULES**

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**MICHIGAN DEPARTMENT OF ~~LABOR AND ECONOMIC GROWTH~~ HUMAN SERVICES**

**DIRECTOR'S OFFICE**

**MICHIGAN REHABILITATION SERVICES**

**VOCATIONAL REHABILITATION**

Proposed Draft October 15, 2014

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, 45a(6) or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

By authority conferred upon the director of the department of ~~Labor and Economic Growth~~ **human services** by 1964 PA 232 and Executive Reorganization Order Nos.1993-11, 1999-1, ~~and 2003-1 and 2012-10~~, being MCL 395.81, 388.991, 408.40, and 445.2011 **and in accord with the Rehabilitation Act Amendments of 1998, P.L. 105-220.**

**R 395.1, R 395.3, R 395.4, R 395.5, R 395.6, R 395.7, R 395.8, R 395.21, R 395.22, R 395.23, R 395.24, R 395.31, R 395.32, R 395.33, R 395.34, R 395.35, R 395.41 and R 395.42 are rescinded; and R 395.51, R 395.52, R 395.53, R 395.54, R 395.55, R 395.56, R 395.57, R 395.58, R 395.59, R 395.60, R 395.61, R 395.62, R 395.63, R 395.64, R 395.65, R 395.66, R 395.67, R 395.68, R 395.69, R 395.69, R 395.70, R 395.71, R 395.72, R 395.73, R 395.74, R 395.75, R 395.76, R 395.77, R 395.78, R 395.79, R 395.80, R 395.81, R 395.82, R 395.83, R 395.84, R 395.85, R 395.86, R 395.87, R 395.88, R 395.89 and R 395.90 are added to the Code as follows:**

**~~PART 1. ELIGIBILITY FOR REHABILITATION SERVICE~~**

**R 395.1 Residence. Rescinded.**

~~Rule 1. Any disabled person living in Michigan shall be considered for vocational rehabilitation.~~

**R 395.3 Economic circumstances of individual. Rescinded.**

~~Rule 3. (1) Consideration shall be given to the financial responsibilities of each person with a disability furnished a cost service. Each person with a disability or his or her family shall be encouraged to provide for the costs of the individual program. Insofar as possible, all direct cost services, with the exception of diagnostic Examinations and specialized consultation services shall be given on the basis of the degree to which the individual may participate financially.~~

~~(2) Maintenance may be provided for additional costs, beyond normal living expenses, incurred while participating in an assessment to determine eligibility and vocational rehabilitation needs or while receiving services under an individualized plan for employment. When maintenance costs are a part of a~~

~~student's cost of attendance in post-secondary training, they shall be subject to the economic needs test referred to in R 395.31. Before the person with a disability is granted maintenance, he or she shall secure necessary aid from the family group upon which the individual is dependent and to use for living costs any income from sources such as pensions, insurance benefits, and worker's compensation and worker's compensation settlements.~~

~~(3) Purchase of prosthetic, orthotic and other assistive devices, sensory aids, assistive technology, mental and physical restoration, transportation, placement, occupational tools, equipment, stocks, and supplies, equipment, and other services shall comply with both of the following:~~

~~(a) With the exception of diagnostic examinations and specialized consultation services, all persons with disabilities shall pay for cost services insofar as they are able, unless otherwise specified in R 395.31.~~

~~(b) The same criteria of determining financial ability as listed under subrule (2) of this rule shall be applicable.~~

#### **R 395.4 Informational background. Rescinded.**

~~Rule 4. (1) Case data shall be secured from reliable and competent sources such as interviews or reports from teachers, health care practitioners, employers, relatives, friends, and cooperating agencies. These data shall be supplemented by field agent interviews with the person with a disability.~~

~~(2) Material shall be assembled pertaining to the person with a disability covering physical, mental, educational, personality, occupational experience, aptitude, and social factors.~~

#### **R 395.5 Diagnostic procedures. Rescinded.**

~~Rule 5. (1) Competent medical diagnosis shall be obtained in every case, and when reasonably necessary to a decision in doubtful cases, the problem shall be referred to a recognized specialist in the specific field indicated by the medical diagnosis. Such diagnosis shall undertake to establish the general health condition and history of the individual, including mental conditions by a competent psychiatrist when the need thereof is indicated. Any abnormal condition, organic or functional, shall be analyzed against this background and a prognosis made as to its future course and effects considered in relation to its susceptibility to treatment. The diagnosis shall be accompanied by recommendations as to the means and method of restoration.~~

~~(2) Intelligence, aptitude, and interest tests may be used in individual cases to determine feasible employment objectives. These may be secured through established psychological clinics, guidance centers, or administered by those on the staff qualified to do so.~~

~~(3) Appliances shall be fitted according to the recommendations of the medical specialist. The actual use of the appliances shall be noted by the medical specialist to guarantee maximum results.~~

~~(4) Physical restoration service shall be granted only when the disability has been reasonably static or may become worse if not treated. The physician's prognosis must show the disability will be minimized or removed by treatment or hospitalization. The test of whether this service should be secured or granted is whether the disabled persons will likely become more employable.~~

~~(5) Training may be offered only when the disability, interests, and aptitudes indicate the disabled person may improve his vocational level of performance by such training.~~

#### **R 395.6 Confidential information. Rescinded.**

~~Rule 6. All information as to personal facts and circumstances given or made available to the state board and obtained by it in the course of administration shall constitute privileged communications and shall be held confidential. The board will restrict the use or disclosure thereof to persons directly connected with the administration of vocational rehabilitation under the plan.~~

**R 395.7 Determination of eligibility. Rescinded.**

~~Rule 7. The responsibility for the decision as to eligibility shall be delegated to qualified members of the staff and may not be delegated to any other individual or agency.~~

**R 395.8 No discrimination. Rescinded.**

~~Rule 8. There shall be no discrimination against any applicant because of sex, race, color, or national origin, and there shall be equitable provision of facilities and training of like qualities where separate facilities are required by law for separate population groups.~~

**PART 2. PROVISION OF REHABILITATION SERVICES**

**R 395.21 Selection of facilities. Rescinded.**

~~Rule 21. (1) It shall be policy to use the facilities best suited to the needs of the disabled person. These may be public or private but in all cases are to be fully accredited in their respective fields. The disabled person shall be granted the privilege of choosing the service facilities insofar as feasible. Generally services shall be secured in the state. The only time out of state facilities may be used is when the individual can be served to better advantage. When 2 similar facilities have markedly different costs, the more reasonable facility shall be used.~~

~~(2) The principal training agencies used shall be of a varied nature. Colleges, universities, and technical schools; public vocational, commercial, and technical schools of less than college grade; private Trade and business schools; correspondence and extension facilities; tutorial and other facilities giving special training; and business and industrial establishments used for employment training shall be used depending upon the individual requirements of the trainee. The board may establish and maintain training facilities as needed.~~

~~(3) Physical restoration shall be secured through the services of physicians, physical therapists, occupational therapists, clinics, sanatoria, convalescent homes, and hospitals. These physical restoration facilities are to be duly accredited. The work done in this area shall be coordinated with the efforts of the public health services, crippled children agencies, state and county medical societies, and welfare agencies.~~

**R 395.22 Counseling and supervision. Rescinded.**

~~Rule 22. Counseling shall be considered to be that service of rehabilitation which provides an appraisal of the disabled person's abilities, limitations, interests, and resources in order to achieve his maximum potentialities. The policies and procedures for counseling and supervision shall require that frequent contact be maintained between the field agent and the disabled person.~~

**R 395.23 Placements. Rescinded.**

~~Rule 23. Placement shall be recognized as 1 of the essential services of vocational rehabilitation.~~

**R 395.24 Workshops and rehabilitation facilities. Rescinded.**

~~Rule 24. The board may establish workshops or rehabilitation facilities for the purpose of providing rehabilitation services to clientele when it shall be in the interest of the state to do so.~~

**PART 3. PAYMENT OF SERVICE COSTS**

**R 395.31 Training. Rescinded.**

~~Rule 31. (1) The agency shall impose an economic needs test for the student's cost of attendance of training at a post secondary educational institution. The economic needs test utilized shall be the federally established needs test using the Free Application for Federal Student Aid (FAFSA) or its equivalent, as required by the post secondary institution, to determine student eligibility for state and federal financial aid.~~

~~(2) The agency may not provide financial assistance for any item covered in the cost of training attendance if the individual, or individual's family as applicable, fails to make maximum effort to apply for, or refuses to accept, federal, state, institutional, and other grants, need based scholarships, or tuition waivers for which they may be eligible.~~

~~(3) The agency shall not replace the expected family contribution, as determined by the post-secondary institution's financial aid officer using the federal Student Aid Report, in contributing toward the individual's cost of attendance at a post secondary institution. However, monetary benefits received by an individual under Titles II and XVI of the Social Security Act are excluded from the expected family contribution to postsecondary attendance.~~

~~(4) The agency shall not replace insurance benefits received, wholly or in part, as a settlement of liability for vocational rehabilitation services, in contributing toward the individual's cost of attendance at a post secondary institution.~~

~~(5) Maximum financial support that may be provided by the agency toward an individual's cost of college or vocational training during the academic year shall be \$3,000.00 and \$1,000.00 for the summer semester. An exception to the maximum may be considered by the agency when other forms of student aid are excluded due to disability related factors. The agency shall periodically adjust the maximum financial support figures in accordance with increases in the cost of living.~~

~~(6) Agency clients attending Michigan Career and Technical Institute are exempt from means testing and financial aid limitations for the cost of attendance.~~

~~(7) Costs for training on the job shall be computed in terms of the actual costs of training.~~

**R 395.32 Professional fees. Rescinded.**

~~Rule 32. Professional fees, costs of medical examination, and corrective surgery or therapeutic treatment shall be consistent with the usual, customary, and reasonable fee for these services, not to exceed that charged other public agencies.~~

**R 395.33 Transportation. Rescinded.**

~~Rule 33. Transportation costs may be provided in support of another vocational rehabilitation service. When such costs are a part of a student's cost of attendance in post secondary training, they shall be subject to the economic needs test referred to in R 395.31. These costs shall not exceed the costs established by the department of administration.~~

**R 395.34 Prosthetic appliances. Rescinded.**

~~Rule 34. Prosthetic appliances will be supplied the disabled person at prices consistent with those fixed for these items. Appliances shall be purchased from accredited appliance dealers.~~

**R 395.35 Maintenance. Rescinded.**

~~Rule 35. A supplementary amount of maintenance aid may be granted to meet the individual's needs after the resources of the disabled person are computed.~~

**PART 4. DISABILITY DETERMINATION SERVICE**

**R 395.41 Disability determinations. Rescinded.**

~~Rule 41. By contractual agreement with the social security administration of the department of health, education and welfare, the board shall provide the determinations on extent of disability and employment incapacity of claimants for disability insurance benefits as provided under the federal social security act. Wherever state procedures shall apply in conducting such disability determinations, these shall be in conformity with the same rules of procedure as pertain to the operations of the general program of vocational rehabilitation under the state board of control for vocational education.~~

**R 395.42 Referrals. Rescinded.**

~~Rule 42. In the process of making disability determinations on applicants for disability insurance benefits, individuals who are believed to have potential for employment through vocational rehabilitation services shall be referred to the vocational rehabilitation program.~~

**R 395.51 Definitions.**

**Rule 1. As used in these rules:**

(a) “Clear and convincing evidence” means that there is a high degree of certainty that the individual is incapable of benefiting from services in terms of an employment outcome.

(b) “Client Assistance Program” or “CAP” means the mandated program authorized under the rehabilitation act of 1973, 29 U.S.C. 701, which provides individual and systemic advocacy services to all MRS applicants and eligible individuals including additional information, problem resolution assistance, and assistance with an appeal.

(c) “Competitive employment” means work that is both of the following:

(i) In a competitive setting, is performed on a full-time or a part-time basis in an integrated setting,

(ii) Where an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.

(d) “Comparable services and benefits” means services and benefits, not including awards and scholarships based on merit, that are provided or paid for, in whole, or in part, by other federal, state, or local public agencies, by health insurance, or by employee benefits which are available to the individual that the individual would otherwise receive from the designated state vocational rehabilitation agency.

(e) “Cost of attendance” means the total amount it will cost a student to attend school in a year.

(f) “Employment outcome” means entering or retaining full-time employment, or if appropriate, part-time competitive employment in the integrated labor market, supported-employment, or any other type of employment in an integrated setting, including self-employment, telecommuting, or business ownership, that is consistent with an individual’s strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(g) “Integrated setting” means both of the following:

(i) With respect to the provision of services, a setting typically found in the community in which applicants or eligible individuals interact with nondisabled individuals other than nondisabled individuals who are providing services to those applicants or eligible individuals.

(ii) With respect to an employment outcome, a setting typically found in the community in which applicants or eligible individuals interact with nondisabled individuals, other than nondisabled individuals who are providing services to those applicants or eligible individuals, to the same extent that nondisabled individuals in comparable positions interact with other persons.

(h) “Individualized plan for employment” or “IPE” means a written document prepared on a form approved by MRS and developed to afford the eligible individual meaningful opportunity to exercise informed choice in the selection of the following:

- (i) Employment goal.
- (ii) Specific vocational rehabilitation services required to achieve the employment goal.
- (iii) Entities that will provide services.
- (iv) Methods of service provision.

(i) “Job in jeopardy” means an individual who is in danger of being terminated from his or her job due to disability-related factors.

(j) “Michigan Rehabilitation Services or “MRS” means the part of a network of vocational rehabilitation programs across the United States authorized by the federal rehabilitation act of 1973, as amended, PL 105-220.

(k) “Part-time employment” means employment that is permanently assigned to less than 30 hours of work per week.

(l) “Rehabilitation technology” means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of and address the barriers confronted by individuals with disabilities.

(m) “Seasonal employment” means employment as defined by the department of labor to be less than 5 months duration and is linked to seasonal or climatic conditions.

(n) “Substantial impediment to employment” means a physical or mental impairment that materially hinders an individual from preparing for, engaging in, or retaining employment consistent with the individual’s abilities and capabilities.

(o) “Substantial services” means services that are provided in the context of a counseling relationship and customer informed choice, and make a significant contribution to the individual’s employment outcome. Substantial services may be provided directly, purchased, or arranged.

(p) “Temporary employment” means employment for 180 days or less.

(q) “Underemployment” means employment in which there is a significant discrepancy between the individual’s demonstrated abilities and capabilities and the demands of the current job.

(r) “Unsteady employment” means employment that is seasonal, intermittent, temporary, permanently part-time, or subjects the individual to a pattern of layoffs or variations in the availability of work.

(s) “Vocational rehabilitation services” or “VRS” means those services available to assist the individual with a disability in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the individual’s strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. Services provided shall be published in MRS policy and be made available to the public.

#### **R 395.52 Implementation of processes; policy.**

Rule 2. MRS shall publish and make available to the public procedures for the implementation of these rules.

#### **R 395.53 Purpose.**

Rule 3. (1) MRS shall assist eligible individuals with physical or mental disabilities to prepare for and achieve an employment outcome.

(2) The MRS process is based upon an Individualized Plan for Employment (IPE) which is oriented to an eligible individual’s achievement of a vocational goal. Services provided must be



essential to overcome the vocational impediment and must be provided at the least cost to meet the individual's rehabilitation needs.

**R 395.54 General requirements.**

**Rule 4. (1) MRS shall not discriminate on the basis of race, religion, age, national origin, color, height, weight, marital status, sex, sexual orientation, gender identity or expression, political beliefs, or disability.**

**(2) MRS shall not impose duration of residence requirement as part of determining an individual's eligibility for vocational rehabilitation services or that excludes from services under the IPE any individual who is legally present in the state.**

**(3) Throughout the individual's rehabilitation program, every opportunity shall be provided to the individual to make informed choices regarding the rehabilitation process. Documentation of opportunities for making informed choices shall be kept in the individual's case record.**

**(4) MRS shall establish and maintain a case record for each applicant and recipient of vocational rehabilitation services, which includes data necessary to comply with MRS and federal Rehabilitation Services Administration requirements.**

**(5) MRS shall make administrative decisions about the district and office boundaries in which individuals are served. Applicants and eligible individuals do not have a right to select the office or district in which they are served or the counselor who will serve them.**

**(6) Applicants and eligible individuals are served in geographic MRS districts and offices according to their residence. Individuals who change their permanent residence may have the option to have their cases transferred, with supervisory approval, to the district or office to which they have moved.**

**(7) Applicants and eligible individuals have the right to appeal the denial of a request to change counselors within an office.**

**(8) Case service expenditures, whether assessment or IPE services, require written authorization prior to or simultaneously with the initiation of the service. Retroactive authorizations are prohibited.**

**(9) Goods and services shall be provided subject to the statewide availability of funds. Goods and services shall be explored by the individual, with assistance from the MRS counselor, and the individual may be involved in the choice of who will provide goods and services.**

**(10) When appropriate, counselors shall provide the referral necessary to support individuals with disabilities in securing needed services from other agencies and organizations.**

**(11) The MRS counselor shall inform each applicant or eligible individual of the procedure for requesting a review or redetermination of an agency decision with which he or she disagrees, including how the applicant or eligible individual may request a hearing and the availability of CAP.**

**R 395.55 Confidentiality.**

**Rule 5. (1) MRS shall keep all personal information concerning applicants and eligible individuals, including but not limited to, photographs and lists of names, confidential.**

**(2) MRS may release personal information only to individuals or entities directly connected with the administration of the vocational rehabilitation program and only to the extent permitted under federal regulations governing the vocational rehabilitation program. Information containing identifiable personal information shall not be shared with advisory or other bodies that do not have official responsibility for administration of the program.**

(3) MRS shall release personal information only with the informed, written consent of the individual except when it will further the individual's rehabilitation program; as needed to protect the applicant from physical harm to self or others; in response to any of the following:

- (a) Law enforcement, fraud, or abuse investigations.
- (b) In response to a judicial order.
- (c) When required by federal statute or regulation.
- (d) For audit, research, or evaluation purposes.
- (e) In a suspected case of abuse, neglect, exploitation, or endangerment of applicant or eligible individuals.

(4) Information obtained from another agency or organization shall be released only by, or under the conditions established by, the other agency/organization.

(5) When requested in writing by an applicant or eligible individual, MRS shall make the information requested accessible to and release the information to the individual or the individual's representative in a timely manner.

(6) Medical, psychological, and other information that may be potentially harmful to the individual shall not be directly released to the applicant or eligible individual but shall be released instead to a third party chosen by the individual which may include any of the following:

- (a) A qualified medical or mental health professional.
- (b) Advocate.
- (c) Family member.
- (d) Legal guardian.

(7) MRS may release information to parents of applicants or eligible individuals who are minors or legal guardians under the same conditions as it may be released directly to applicants or eligible individuals.

(8) Release of information to another individual, agency, or organization shall contain a statement precluding its further release.

(9) MRS counselors shall advise applicants, eligible individuals, and providers of information of these confidentiality and release restrictions through appropriate means of communication.

#### **R 395.56 Application for MRS services.**

**Rule 6.** To apply for MRS services, individuals, or their representative as appropriate, shall do either of the following:

- (a) Complete and sign an MRS application form.
- (b) Request services by providing information necessary to initiate an assessment to determine eligibility and priority for services and be available to complete the assessment process.

#### **R 395.57 Eligibility criteria.**

**Rule 7. (1)** An individual is eligible for MRS services if, after an assessment has been conducted, MRS has determined that the individual meets both of the following:

(a) Has a physical or mental impairment which, for the individual, constitutes or results in a substantial impediment to employment.

(b) Requires VRS to prepare for, secure, retain, or regain employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(2) Required VRS, as provided in subrule (1)(b) of this rule, must be necessary to overcome disability related barriers.

**R 395.58 Presumption of benefit.**

**Rule 8.** All applicants, including applicants who have been determined to have a disability under social security disability insurance and supplemental security income, are presumed to be able to benefit in terms of an employment outcome from VRS unless found to be ineligible for services due to the severity of the disability by clear and convincing evidence.

**R 395.59 Eligibility determination.**

**Rule 9.** The responsibility for making an eligibility determination shall be made by a qualified vocational rehabilitation counselor employed by MRS and shall not be delegated to any other individual or agency.

**R 395.60 Timeframe for eligibility determination.**

**Rule 10. (1)** MRS shall make an eligibility determination for MRS services no later than 60 days from the date of application unless the applicant is notified in writing of either of the following:

(a) That the eligibility period is being extended because exceptional and unforeseen circumstances beyond control of the counselor preclude the counselor from completing the determination within the prescribed timeframe, and the applicant agrees that a specific extension of time is warranted.

(b) When extended assessment through an extended evaluation plan or trial work experiences are necessary to determine if the individual is capable of benefiting, in terms of an employment outcome, from vocational rehabilitation services.

(2) Extending the eligibility determination period as described in R 395.64 is not applicable to supplemental security income recipients or social security disability insurance beneficiaries seeking MRS services. The MRS counselor shall make an eligibility determination for recipients of social security disability benefits, no later than 60 days from the date of application. The only exception to this federal requirement is when the case record is moved to Trial Work Experiences (TWE) or Extended Evaluation (EE) within 60 days of the date of application. Trial work or further evaluation under an extended evaluation plan is only done when the counselor has serious doubt about the individual's ability to benefit from MRS services to achieve an employment outcome.

**R 395.61 Extended assessment; extended evaluation plan and trial work experiences.**

**Rule 11. (1)** Before an applicant with a significant disability can be determined to be incapable of benefiting from services in terms of an employment outcome, MRS shall provide an extended assessment.

(2) The presumption of employability continues during the extended assessment and may be refuted only if MRS demonstrates by clear and convincing evidence that the applicant cannot benefit from services in terms of an employment outcome.

(3) During the extended assessment MRS shall explore the individual's abilities, capabilities, and capacity to perform in work situations in the most integrated settings, through the use of trial work experiences with appropriate supports except under limited circumstances when an individual cannot or is not ready to take advantage of such experiences. These circumstances include individuals who are medically unstable and require treatment to achieve stability and individuals whose disabilities are not treatable, remediable, or who are near death.

(4) Trial work experiences shall be of sufficient variety and over a sufficient period of time, and with appropriate supports, to determine the eligibility of the individual or to determine the

existence of clear and convincing evidence that the individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of the individual's disability.

(5) A MRS counselor shall develop a written extended assessment plan that includes identification of the services necessary to determine eligibility and the nature and scope of services required to achieve an employment outcome.

(6) Applicants or their representatives shall be full and active participants in the development of their extended assessment plan and in the selection of services and service providers and shall sign and be provided a copy of the written document.

(7) A MRS counselor shall evaluate progress toward achieving the assessment outcomes regularly and routinely.

(8) A MRS counselor shall terminate the extended assessment at any time an eligibility determination can be made, or after 12 months, unless substantial need for additional time is documented.

#### **R 395.62 Presumption of eligibility for recipients of social security disability benefits.**

**Rule 12.** (1) Individuals who are recipients of social security disability benefits, based on a disability:

(a) Are considered to be an individual with a significant disability.

(b) Presumed to be eligible for vocational rehabilitation services, provided the individual intends to achieve an employment outcome consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual, unless the vocational rehabilitation counselor can demonstrate, by clear and convincing evidence, that the individual is incapable of benefiting due to the severity of the disability of the individual.

(c) Once an individual has been informed of the employment nature of the program, the completion of a MRS application for services shall be considered as intent to achieve an employment outcome.

(2) The MRS counselor shall make an eligibility determination for recipients of social security disability benefits no later than 60 days from the date of application unless the applicant's ability to benefit is in question and the case is moved to extended assessment.

#### **R 395.63 Use of existing information.**

**Rule 13.** To the maximum extent appropriate, the MRS counselor shall make an eligibility determination based on existing and current information, including any of the following:

(a) Information available from other programs and providers.

(b) Schools.

(c) Social security administration.

(d) Information provided by the individual and the family.

#### **R 395.64 Ineligibility.**

**Rule 14.** (1) In all cases where the counselor determines that an applicant for, or recipient of, VRS does not meet the requirements for eligibility, the case record shall include a certification of ineligibility.

(2) The certification shall be signed and dated by the counselor and document the reasons for the ineligibility determination.

(3) Ineligibility decisions concerning the severity of a disability must be based on clear and convincing evidence, and require the counselor to explore the individual's abilities, capabilities, and capacity to perform in work situations through the use of trial work experiences.

**R 395.65 Individuals employed at intake.**

**Rule 15. (1) Individuals with a disability who are employed may be eligible for MRS services if, as a result of their disability, their employment does any of the following:**

- (a) Endangers the health and safety of the individual or others.**
- (b) Is in jeopardy.**
- (c) Is unsteady.**
- (d) Results in significant underemployment and needed services cannot be obtained from other agencies or resources.**

**(2) Individuals who have access to resources from other agencies, but choose not to use them, are generally not considered to require MRS services. The individual must meet all eligibility criteria to be determined eligible for MRS services.**

**(3) A job may be considered in jeopardy if the disability substantially hinders a person's job retention, or an individual has confirmation of a restructuring of his or her position which, due to his or her disability, he or she would no longer be able to do, and requires VRS to retrain for a new position.**

**(4) When considering whether an individual requires job retention services, the counselor shall seek objective verification, such as a statement from the current employer, a job analysis, or medical verification of a significant decline in functional capacity related to job function.**

**(5) Routine maintenance or replacement of personal medical or adaptive supplies and equipment are the responsibility of the employed individual and generally are not sufficient grounds for a finding of eligibility for MRS services.**

**R 395.66 Comprehensive assessment of rehabilitation needs.**

**Rule 16. (1) A MRS counselor shall conduct a vocational needs assessment to determine the goals, nature, and scope of rehabilitation services to be included in the IPE.**

**(2) The assessment described in this rule shall begin simultaneously with the assessment for eligibility and be carried out in integrated settings to the extent appropriate and consistent with the individual's informed choice.**

**(3) The emphasis in the assessment shall be on using existing and current information to the maximum extent possible, and information provided by the individual and by the individual's family, as appropriate.**

**(4) When current or existing information is not sufficient to assess vocational rehabilitation needs, a comprehensive assessment shall be provided which shall include all of the following concerning the individual:**

- (a) Strengths.**
- (b) Resources.**
- (c) Priorities.**
- (d) Concerns.**
- (e) Abilities.**
- (f) Capabilities.**
- (g) Rehabilitation needs, including the need for supported employment.**
- (5) The individual shall be an active participant in the choice of assessments and providers.**

(6) The comprehensive assessment is limited to information that is necessary to identify the rehabilitation needs of the individual and to develop an IPE. To the degree needed, the comprehensive assessment shall include the following:

(a) An assessment of the individual's personality; career interests; interpersonal skills; intelligence and related functional capacities; educational achievements; work experience; vocational aptitudes; personal and social adjustment; employment opportunities available to the individual; medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors that affect the employment and rehabilitation needs of the individual.

(b) An appraisal of the individual's work behavior and services needed to acquire occupational skills, and to develop work attitudes, work habits, work tolerance, and social and behavioral patterns necessary for successful job performance, including the utilization of work in real job situations to assess and develop the capacities of the individual to perform adequately in the work environment.

(c) Where appropriate, the provision of rehabilitation technology services to assess and develop the capacities of the individual to perform in an integrated work environment.

#### **R 395.67 Individualized plan for employment (IPE).**

Rule 17 (1) The MRS counselor shall design the IPE to achieve an employment outcome of the individual, consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice of the individual.

(2) The case record must support the selection of the vocational goal.

(3) The IPE shall be signed by the individual or, as appropriate, the individual's representative and by a qualified MRS rehabilitation counselor. The IPE is not a legal contract between MRS and the eligible individual.

(4) Planning and approval of the IPE shall be conducted within the framework of a counseling relationship.

(5) Counselor approval of an IPE verifies that the IPE is consistent with MRS policies and guidelines, is complete, and is expected to lead to an employment outcome. Counselors shall provide a copy of the IPE, and any amendments, to the eligible individual.

(6) Vocational rehabilitation goods and services may only be provided in accordance with the IPE.

(7) MRS shall provide individuals with written notification of appeal rights, including the name and address of the person with whom an appeal may be filed, and the availability of the CAP during IPE development, and whenever MRS-authorized services are denied, reduced, suspended, or terminated.

(8) The MRS shall notify individuals in writing 10 working days before the termination, reduction or suspension of a MRS authorized service.

#### **R 395.68 Standards for development; review.**

Rule 18. (1) The IPE shall be completed promptly by both the MRS counselor and the eligible individual, but no more than 90 days following eligibility certification, unless the individual and MRS counselor require more time to arrive at an agreed upon IPE.

(2) The IPE will be reviewed at least annually by a qualified vocational rehabilitation counselor and the eligible individual or as appropriate, the individual's representative, to assess the individual's progress in achieving the identified employment outcome.

**R 395.69 IPE development extension.**

**Rule 19. (1) If more than 90 days are required to develop the IPE, an IPE development extension shall be requested providing all of the following:**

- (a) Reason for extension.**
- (b) Activities or services planned to complete the IPE.**
- (c) The agreed upon plan extension date.**

**(2) For students in the K-12 educational system who are eligible for MRS services, the IPE shall be developed and completed before the student leaves the school setting. An agreed upon delay in developing an IPE is not an option for eligible transition students if the delay in development extends beyond the student's exit from school.**

**R 395.70 Options for Developing IPE.**

**Rule 20. (1) The MRS counselor shall provide the eligible individual, or the individual's representative, information on the individual's options for developing an IPE.**

- (2) MRS shall not pay for an agency, or a representative, to develop an IPE.**
- (3) The options for developing all or part of the IPE include the following:**

**(a) With assistance from a MRS vocational rehabilitation counselor, to the extent determined to be appropriate by the individual.**

**(b) With technical assistance from the MRS Program, or other representatives selected by the individual.**

**(c) The individual alone without assistance.**

**R 395.71 Required components of IPE.**

**Rule 21. The IPE shall include the following:**

**(a) Specific vocational goal, which must be based on the assessment for determining vocational rehabilitation needs, including the individual's career interests, and must be in an integrated setting.**

**(b) A description of the specific vocational rehabilitation services that meet both of the following:**

**(i) Needed to achieve the vocational goal, including, as appropriate, the provision of assistive technology services and personal assistance services, including training in the management of such services.**

**(ii) Provided in the most integrated setting that is appropriate for the service involved, and is consistent with the informed choice of the eligible individual.**

**(c) Timelines for the achievement of the employment outcome, and for the initiation of the services.**

**(d) A description of the entity chosen by the individual, or as appropriate, the individual's representative that will provide the vocational rehabilitation services and the methods used to procure such services.**

**(e) Description of the criteria to evaluate the progress towards achievement of the employment outcome.**

**(f) The terms and conditions of the IPE, including, as appropriate, information describing all of the following:**

- (i) The responsibilities of MRS.**
- (ii) The responsibilities that the eligible individual will assume in relation to the vocational goal.**
- (iii) The responsibility of the individual with regard to applying for and securing comparable benefits.**

(g) For individuals for whom an employment outcome in a supported-employment setting has been determined to be appropriate, information identifying both of the following:

- (i) The extended services needed by the eligible individual after closure.
- (ii) The source of extended services, or to the extent that the source of extended services cannot be identified at the time of the development of the IPE, a description of the basis for concluding that there is a reasonable expectation that such source will become available.
- (h) As determined to be necessary, a statement of projected need for post-employment services.
- (i) An assurance that the eligible individual has been informed of his or her rights and the means by which the individual may express and seek remedy for any dissatisfaction, including the opportunity for a review of the rehabilitation determination, as described in R 395.83 to R 395.87 and assurance that the eligible individual has been provided a detailed explanation of the availability of the resources within the CAP.

**R 395.72 Participation; individuals with disabilities; cost of IPE services.**

**Rule 22.** Eligible individuals shall be encouraged to participate in the cost of the services listed in their IPE to the extent they are able to do so. Financial participation in the cost of services; however, is not required except in the areas of college and vocational training.

**R 395.73 Comparable benefits and services in the IPE.**

**Rule 23.** (1) If comparable services and benefits are available to the eligible individual, the services and benefits must be utilized to meet, in whole or part, the cost of vocational rehabilitation services.

(2) If comparable services or benefits exist under any other program, but are not available to the individual at the time needed to satisfy the rehabilitation objectives in the individual's IPE, MRS shall provide vocational rehabilitation services until those comparable services and benefits become available.

(3) The utilization of comparable services and benefits do not apply in the following situations:

(a) If the determination of the availability could delay or interrupt the progress of the individual toward achieving the employment outcome identified in the individualized plan for employment.

(b) If the determination of the availability would delay the provision of vocational rehabilitation to any eligible individual who is at extreme medical risk, based on medical evidence provided by an appropriate qualified medical professional.

(c) If an immediate job placement would be lost due to a delay in the provision of comparable benefits.

(4) The following categories of service are excepted from a determination of the availability of comparable services and benefits:

(a) Assessment for determining eligibility, priority for services, and vocational rehabilitation needs.

(b) Vocational rehabilitation counseling, guidance, and referral services.

(c) Vocational and other training services, such as personal and vocational adjustment services, books, tools, and other training material not associated with training in an institute of higher education, which are defined as colleges and universities, community and junior colleges, vocational and technical schools or institutes, and hospital schools of nursing.

(d) Awards and scholarships based on merit.

(e) Rehabilitation technology services, including vehicle modifications.

(f) Placement services.



**R 395.74 Services; general.**

**Rule 24. (1)** The services MRS counselors may provide, arrange, or purchase for an individual with a disability those services related to an IPE necessary to assist the individual in preparing for, securing, retaining, or regaining an employment outcome in an integrated setting that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

**(2)** MRS services provided shall be published in MRS policy and be made available to the public.

**R 395.75 Post-secondary education and vocational training financial needs test.**

**Rule 25. (1)** College or vocational training may be provided as an IPE-related service when an eligible individual requires new knowledge and skills to achieve an employment goal consistent with the individual's abilities, capabilities and informed choice.

**(2)** Eligible individuals shall make maximum effort to secure grant assistance in whole or in part from other sources to pay for post-secondary training. Counselors shall inform individuals considering post-secondary education that they must make timely annual application for post-secondary financial aid.

**(3)** MRS may not provide financial assistance for any item covered in the cost of training attendance if the individual, or individual's family as applicable, fails to make maximum effort to apply for, or refuses to accept, federal, state, institutional, and other grants, need-based scholarships, or tuition waivers for which they may be eligible.

**(4)** Financial support for college or vocational training shall be consistent with MRS' policy of purchasing the service that meets the individual's vocational rehabilitation needs at least cost to MRS.

**(5)** MRS shall impose a financial needs test for the student's cost of attendance of training at a post-secondary educational institution. The financial needs test utilized shall be the federally established needs test using the Free Application for Federal Student Aid or its equivalent, as required by the post-secondary institution, to determine student eligibility for state and federal financial aid.

**(6)** MRS shall not replace the expected family contribution, as determined by the post-secondary institution's financial aid officer using the federal Student Aid report, in contributing toward the individual's cost of attendance at a post-secondary institution.

**(7)** MRS shall not replace insurance benefits received, wholly or in part, as a settlement of liability for vocational rehabilitation services, in contributing toward the individual's cost of attendance at a post-secondary institution.

**(8)** Maximum financial support that may be provided by MRS toward an individual's cost of college or vocational training during the academic year shall be \$3,500.00 and \$1,200.00 for the summer semester. An exception to the maximum may be considered by MRS when other forms of student aid are excluded due to disability-related factors. MRS shall periodically adjust the maximum financial support figures in accordance with increases in the cost of living.

**(9)** Individuals who are eligible for social security benefits under Title II and Title XVI of the social security act shall be exempted from financial need test requirements.

**(10)** MRS customers attending Michigan Career and Technical Institute are exempt from financial need test requirements and financial aid limitations for the cost of attendance.

**R 395.76 Rates of payment.**

**Rule 26. (1) The maximum rate of payment for services shall be the usual, customary and reasonable rate charged for the service not to exceed that charged by other public agencies.**

**(2) The service that will meet the individual's vocational rehabilitation need at the least cost to MRS shall be the service purchased.**

**(3) MRS shall not place an absolute and arbitrary dollar limit on specific service categories or on the total services provided to the individual.**

**(4) MRS shall not be responsible for the cost of out-of-state services in excess of the cost of in-state services if either service would meet the individual's vocational rehabilitation needs.**

**R 395.77 Case closure prior to eligibility.**

**Rule 27. The counselor shall close an individual's case record under any of the following conditions:**

**(a) It is determined that the applicant does not meet MRS eligibility criteria.**

**(b) The applicant selects an extended sheltered employment outcome after being informed of the integrated employment purpose of the program.**

**(c) The applicant declines to participate in or is unavailable during an extended period to complete an eligibility assessment, and MRS has made a reasonable number of attempts to contact the applicant or, as appropriate, the applicant's representative to encourage participation.**

**(d) The applicant has chosen to assign his or her Ticket to Work to an alternative third party vocational rehabilitation service with whom MRS does not have an Employment Network Agreement.**

**(e) The applicant refuses services, has died, or is institutionalized.**

**R 395.78 Case closure; severity of disability.**

**Rule 28. (1) A case shall not be closed due to the severity of the applicant's disability except when on the basis of clear and convincing evidence, and after a period of extended assessment or rehabilitation services have been provided, MRS determines that an employment outcome cannot be achieved.**

**(2) The applicant, or parent or guardian as appropriate, shall be provided an opportunity to discuss an ineligibility decision before the applicant's case is closed due to ineligibility.**

**(3) A certificate of ineligibility signed and dated by the MRS counselor shall be prepared for case closures due to ineligibility.**

**(4) Before closing a case non-rehabilitated for reasons of ineligibility due to severity of disability, the counselor shall ensure that as part of the test of clear and convincing evidence, accommodation services and assistive technology would not enable the client to become employed.**

**R 395.79 Rehabilitated case closure.**

**Rule 29. An individual shall be determined to have achieved an employment outcome only if all the following requirements are met:**

**(a) The employment outcome is in an integrated setting.**

**(b) Substantial services under an IPE are provided and have contributed to the employment outcome.**

**(c) The employment outcome is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.**

**(d) Employment reflects the employment outcome described in the IPE or IPE amendment and has been maintained for at least 90 days.**

(e) The individual and counselor consider the employment to be satisfactory and agree the individual is performing well on the job.

(f) At the time of closure there is an assessment of the need for post-employment services.

**R 395.80 Case closed not rehabilitated**

**Rule 30. (1) The MRS counselor may close the case record of an applicant or eligible individual as not rehabilitated.**

**(2) Reasons for closing a case not rehabilitated other than for ineligibility include any of the following:**

**(a) Inability to locate the applicant or eligible individual, or the client has moved out-of-state.**

**(b) Individual working with another employment network.**

**(c) Death of the individual.**

**(d) Extended services were not available for the individual.**

**(e) The individual was placed in a non-integrated setting for a public or non-profit organization (extended employment).**

**(f) The individual will be in a facility such as a hospital, nursing home, or treatment center for a considerable period of time.**

**(g) The individual has been incarcerated in a prison, jail, or other criminal correction facility.**

**(h) The individual does not require VRS to prepare for, enter into, engage in, or retain gainful employment consistent with his or her strengths, resources, priorities, concerns, abilities, capabilities, and informed choice.**

**(i) The individual is no longer interested in receiving services or further services, including individuals whose actions or non-actions make it impossible to begin or continue the vocational rehabilitation program.**

**(j) The individual has transferred to another agency.**

**(k) Transportation is not possible or available.**

**(l) The individual has committed an act of violence or threatened violence.**

**R 395.81 Rehabilitation case closure; supported employment**

**Rule 31. (1) The MRS counselor shall close rehabilitated in supported employment under any of the following circumstances:**

**(a) The employment represents competitive employment in an integrated setting.**

**(b) The individual is working towards competitive employment and is in an integrated work setting.**

**(c) The individual is part of a work group of no more than 8 employees with disabilities and regularly interacts with individuals who do not have disabilities, including the general public, while performing job duties.**

**(2) There shall be confirmation of extended support services after case closure by the third party identified in the IPE before a case is closed in supported employment.**

**R 395.82 Notice of case closure.**

**Rule 32. (1) Individuals whose cases are closed for any reason except for death or no known address shall be notified in writing of their case closure. The case closure notice shall include all of the following:**

**(a) The effective date of closure.**

**(b) A narrative description of the reason or reasons for closure.**

**(c) The right to appeal, including mediation, the closure decision.**

(d) The process for seeking appeal and mediation, including the availability of the CAP to assist with an appeal.

(2) Individuals shall be provided an opportunity to discuss case closure prior to the closure decision.

#### **R 395.83 Post employment services**

**Rule 33. (1)** An assessment of the need for post-employment services shall be conducted prior to rehabilitated closure. Individuals whose cases have been closed rehabilitated shall be provided additional services if necessary to maintain, regain, or advance in their current employment.

(2) The need for post-employment services may arise either from an unexpected situation or be planned as part of the IPE or at case closure. Eligible individuals shall be encouraged to stay in touch with their MRS counselor following case closure to seek assistance if problems arise and employment is in jeopardy.

(3) Post-employment services are provided as an amendment to the IPE and generally are provided within approximately twelve months of case closure. In determining whether it is appropriate to provide a needed service in post-employment status, the counselor shall determine whether the service(s) is related to the original IPE and, therefore, is an appropriate amendment to it.

(4) Post-employment services shall be used to assist an individual in maintaining employment when a job is in jeopardy, or to regain employment when a new placement is needed due to job loss.

(5) Services may also be provided in post-employment status to assist an individual in advancing in their present career if extended training is not involved, and if it is determined that the current job is no longer consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, and interests. Objective, performance based data shall be obtained to assist the counselor and client in making this determination.

(6) Changes in the individual's work situation such as employer name, wages, or hours worked shall be recorded in the case record.

#### **R 395.84 Review/hearing right; costs**

**Rule 34. (1)** Applicants and eligible individuals or, if appropriate, their representatives, have the right to appeal any decision made by MRS personnel that affects the provision of VRS with which they are dissatisfied by requesting a hearing.

(2) Written notification of appeals rights, including the name and address of the person with whom an appeal may be filed, and the availability of the CAP, will be provided to individuals at the following stages:

(a) At application;

(b) Case closure;

(c) When assigned an order of selection category;

(d) When an IPE is developed; and

(e) Whenever an authorized service is reduced, suspended, or terminated.

(3) MRS will provide any reasonable accommodations needed by an individual to participate in mediation and/or a hearing.

(4) Mediation and/or a hearing are provided at no cost to the individual.

(5) MRS is not responsible for any costs associated with the individual's representation at the mediation session or hearing or with any cost associated with the appearance of witnesses presented by the individual at the mediation session or hearing.

**R 395.85 Informal review.**

**Rule 35. (1)** Whenever possible, MRS will attempt to resolve disagreements informally, prior to mediation or a hearing.

**(2)** An individual may request a meeting with the counselor, the appropriate supervisor, and/or a CAP representative, if desired, to explore options for resolving disputes. An individual may request a meeting with the counselor, the appropriate supervisor, and/or a CAP or individual's representative, if desired, to explore options for resolving disputes.

**(3)** An individual may request mediation or a hearing immediately without having to go through the informal review.

**(4)** The informal review may not be used to deny or delay the individual's right to pursue mediation or the hearing within the specified time period.

**R 395.86 Continuation of services pending completion of the hearing.**

**Rule 36.** Assessment, plan development, or IPE-related services that have been initiated shall not be suspended, reduced, or terminated pending mediation or the hearing decision unless the applicant or eligible individual or their representative so requests or there is evidence that the services have been obtained through misrepresentation, fraud, collusion or criminal conduct on the part of the applicant, eligible individual, or their representative.

**R 395.87 Mediation.**

**Rule 37. (1)** Mediation is a voluntary process conducted by a qualified and impartial mediator. At any point during the mediation process, either party, or the mediator, may elect to terminate the mediation.

**(2)** An individual may request mediation after their request for a hearing is received.

**(3)** The request for mediation may be sent to the hearings coordinator. The hearings coordinator will assign, on a random basis, a qualified impartial mediator. The hearings coordinator will schedule mediation in a timely manner.

**(4)** Mediation will be held in a location that is convenient to the parties in the dispute.

**(5)** Individuals appealing MRS decisions have the right to submit evidence or relevant information and present witnesses to support their position at mediation.

**(6)** An agreement reached in the mediation process will be set forth in a written mediation agreement, and will be signed by both parties.

**(7)** Discussions that occur during the mediation process will be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding.

**(8)** Either party may enter the written signed mediation agreement as evidence in a subsequent hearing or civil proceeding.

**(9)** The individual may be represented at the mediation or hearing, including but not limited to, representation by the CAP.

**(10)** The mediation process may not be used to deny or delay the individual's right to pursue a hearing within the specified time period.

**R 395.88 Hearing**

**Rule 38. (1)** An individual who is dissatisfied with any determination made by MRS concerning the provision of VRS, may seek a re-determination of agency action before an impartial hearing officer.

(2) The individual must submit a written appeal within thirty (30) calendar days of the agency notice regarding its determination/decision.

(3) Agency notice regarding the provision or denial of a service is not required to be in writing, unless it is a suspension, reduction, or termination of authorized services in an IPE.

(4) Individuals will be notified in writing 10 working days prior to the termination, reduction or suspension of authorized services being provided under an IPE.

(5) If no request for hearing is made within thirty (30) calendar days, the agency decision is considered final.

(6) The request for hearing shall be in writing, and shall describe the decision being appealed. MRS will accommodate an individual's disability and offer assistance, if appropriate, in this process. The request should be sent to the director of Michigan Rehabilitation Services who will immediately forward the request to the hearings coordinator.

(7) The hearings coordinator will immediately forward the request to Michigan Administrative Hearing System (MAHS) to be scheduled for a Hearing with a qualified impartial hearing officer.

(8) The hearing shall be held within sixty (60) calendar days of receipt of the request for Hearing.

(9) The sixty day timeframe to hold the hearing may be waived if both parties agree to an extension of time in writing.

(10) A hearing may be dismissed if the individual or his/her representative:

(a) Withdraws the hearing request in writing; or

(b) Fails to appear at the hearing without good cause.

(11) The hearing will be conducted and will include an opportunity for the individual or the individual's representative to present witnesses and relevant evidence.

(12) The hearing officer will issue a full written report of the findings and grounds for the decision within thirty (30) days of the completion of the hearing.

(13) The hearing officer's decision is final unless either party brings a civil action.

(14) Any party who disagrees with the final decision of the hearing officer has the right to file a civil action challenging the decision of the hearing officer. The action may be brought in any State court of competent jurisdiction or in a district court of the United States of competent jurisdiction without regard to the amount in controversy.

#### **R 395.89 Disability determinations.**

Rule 39. (1) By contractual agreement with the social security administration of the department of health, education and welfare, the board shall provide the determinations on extent of disability and employment incapacity of claimants for disability insurance benefits as provided under the federal social security act.

(2) Wherever state procedures shall apply in conduct such disability determinations, these shall be in conformity with the same rules of procedure as pertain to the operations of the general program of vocational rehabilitation under the state board of control for vocational education.

#### **R 395.90 Referrals.**

Rule 40. In the process of making disability determinations on applicants for disability insurance benefits, individuals who are believed to have potential for employment through VRS shall be referred to the vocational rehabilitation program.

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**NOTICE OF PUBLIC HEARING**

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**NOTICE OF PUBLIC HEARING  
MICHIGAN DEPARTMENT OF HUMAN SERVICES  
Michigan Rehabilitation Services (MRS)  
Administrative Rules for the Vocational Rehabilitation Program  
Rule Set 2014-079 HS**

The Michigan Department of Human Services will hold a public hearing to receive public comments on proposed changes to the rules for the Vocational Rehabilitation program.

**January 8, 2015  
10:00 A.M. to 12 P.M. and 1:00 P.M. TO 3:00 P.M.  
Lake Superior Conference Room  
1048 Pierpont, Suite 6  
Lansing, MI 48913**

MRS works with eligible customers and employers to achieve quality employment outcomes and independence for individuals with disabilities. The majority of the rules have not been reviewed since 1979. Changes to federal guidelines and regulations require rescission and updating of the current rules to bring them more in line with the requirements under federal law and for funding purposes. The entire current rule set will be rescinded and replaced by up-to-date rules reflecting MRS practice and procedures pursuant to federal requirements.

Comments on the rules may be made in person at the hearing or by mail or electronic mail until January 9, 2015.

By authority conferred upon the Director of the Human Services by 1964 PA 232 and Executive Reorganization Order Nos.1993-11, 1999-1, and 2003-1 and 2012-10, being MCL 395.81, 388.991, 408.40, and 445.2011, in accordance with the Rehabilitation Act Amendments of 1998, P.L. 105-220. These rules will take effect immediately after filing with the Secretary of State. The rules (Rule Set 2014-079 HS) are published on the Michigan Government web site at <http://www.michigan.gov/orr> and in the Michigan Register in the December 15, 2014 issue. Copies of the draft rules may also be obtained by mail or electronic transmission at the following address:

**Department of Human Services  
Michigan Rehabilitation Services  
P.O. Box 30010  
Lansing, MI 48909  
E-mail: PolicyUnitSupportCenter@michigan.gov**

The public hearings will be conducted in compliance with the 1990 Americans with Disabilities Act, in accessible buildings with handicap parking available. Anyone needing assistance to take part in the hearings due to disability may call 517-243-5560 to make arrangements.

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**ADMINISTRATIVE RULES**

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY STANDARDS

Proposed Draft November 24, 2014

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154, MCL 408.1019 and 408.1021 and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.40601, R 408.40603, R 408.40617a, R 408.40623, R 408.40625, and R 408.40631 of the Michigan Administrative Code are amended, and R 408.40650, R 408.40655, and R 408.40660 are added, as follows:

**PART 6. PERSONAL PROTECTIVE EQUIPMENT**

R 408.40601 Scope.

Rule 601. (1) This standard provides specifications for personal protective equipment and prescribes the use, selection, and maintenance of this equipment for the protection of the employee's head, face, eyes, hands, feet, and body during construction operations.

(2) Hearing protection shall be in compliance with Occupational Health Standard Part 380 "Occupational Noise Exposure," as referenced in **R 408.40603**. ~~R 408.13301a.~~

(3) Respiratory protection shall be in compliance with Occupational Health Standard Part 451 "Respiratory Protection," as referenced in **R 408.40603**. ~~R 408.13301a.~~

(4) Protective equipment, including personal protective equipment for eyes, face, head, hands, feet, and body, protective clothing, and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation, or physical contact.

**R 408.40603 Adopted and referenced standards.** ~~Adoption of standards by reference; access to other MIOSHA rules; appendices.~~

Rule 603. (1) The following standards are adopted by reference in these rules and are available from the Document Center, Inc., Customer Service, 121 Industrial Road, Suite 8, Belmont, California 94002,



USA, telephone: (650) 591-7600 or via the internet at website: [www.document-center.com](http://www.document-center.com); at a cost as of the time of adoption of these rules, as stated in this subrule:

(a) American National Standard Institute **ANSI standard Z-41 “Personal Protection - Protective Footwear,” 1991 edition. Cost: \$49.95.** ~~(ANSI) Z-89.1 “American National Standard for Industrial Head Protection,” 2009 edition. Cost: \$61.25 (35.00)~~

(b) ANSI Z-89.1 “American National Standard for Industrial Head Protection,” 2003 edition. Cost: \$20.00.

(c) ANSI Z-89.1 “American National Standard for Personnel Protection—Protective Headwear for Industrial Workers--Requirements,” 1997 edition. Cost: \$20.00.

(d) ANSI Z-87.1 “Practice for Occupational and Educational Eye and Face Protection,” 1991 edition. Cost: \$117.30

(2) The following standards are adoption by reference in these rules and are available from Global Engineering Documents, 15 Inverness Way East, Englewood, Colorado 80112, telephone number 1-800-854-7179, website: [www.global.ihs.com](http://www.global.ihs.com), at a cost as of the time of adoption of these rules, as stated in this subrule: ~~The standards adopted in subrule (1) of this rule are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143.~~

(a) ANSI Z-89.1 “American National Standard for Industrial Head Protection,” 2009 edition. Cost: \$35.00.

(b) American Society of Testing Materials ASTM Standard D-120, “Standard Specification for Rubber Insulating Gloves,” 2009 edition. Cost: \$58.00.

(c) ASTM D-178 “Standard Specification for Rubber Insulating Matting,” 2001 edition with 2010 supplement. Cost: \$47.00.

(d) ASTM D-1048 “Standard Specification for Rubber Insulating Blankets,” 2012 Edition. Cost: \$47.00.

(e) ASTM D-1049 “Standard Specification for Rubber Insulating Covers,” 1998 edition with 2010 supplement. Cost: \$47.00.

(f) ASTM D-1050 “Standard Specification for Rubber Insulating Line Hose,” 2005 edition with 2011 supplement. Cost: \$47.00.

(g) ASTM D-1051 “Standard Specification for Rubber Insulating Sleeves,” 2008 edition. Cost: \$58.00.

(h) ASTM F-478 “Standard Specification for In-Service Care of Insulating Line Hose and Covers,” 2009 edition. Cost: \$52.00.

(i) ASTM F-479 “Standard Specification for In-Service Care of Insulating Blankets,” 2006 edition with 2011 supplement. Cost: \$47.00.

(j) ASTM F-496 “Standard Specification for In-Service Care of Insulating Gloves and Sleeves,” 2008 edition. Cost: \$58.00.

(k) ASTM F-712 “Standard Test Methods and Specifications for Electrically Insulating Plastic Guard Equipment for Protection of Workers,” 2006 edition with 2011 supplement. Cost \$47.00.

(l) ASTM F-819 “Standard Terminology Relating to Electrical Protective Equipment for Workers,” 2010 edition. Cost: \$41.00.

(m) ASTM F-1236 “Standard Guide for Visual Inspection of Electrical Protective Rubber Products,” 1996 Edition with 2012 supplement. Cost: \$ 47.00.

(n) Institute of Electrical and Electronics Engineers IEEE Standard 516 “Guide for Maintenance Methods on Energized Power Lines,” 2009 edition. Cost: \$135.00.

(3) The standards adopted in these rules are available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143. ~~Copies of the standards adopted in subrule (1) of this rule may be~~

~~obtained from the publisher or may also be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.~~

**(4) The standards adopted in these rules may be obtained from the publisher or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, plus \$20.00 for shipping and handling.** ~~The following Michigan occupational safety and health standards (MIOSHA) are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of licensing and regulatory affairs, MIOSHA standards section, 7150 Harris Drive, P.O. Box 30643, Lansing, MI, 48909-8143 or via the internet at website: [www.michigan.gov/mioshastandards](http://www.michigan.gov/mioshastandards). For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.~~

~~(a) Construction Safety Standard Part 45 “Fall Protection,” R 408.44501 to R 408.44502.~~

~~(b) Occupational Health Standard Part 380 “Occupational Noise Exposure” R 325.60101 to R 325.60128.~~

~~(c) Occupational Health Standard Part 451 “Respiratory Protection,” R 325.60051 to R 325.60052.~~

**(5) The following Michigan occupational safety and health (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: [www.michigan.gov/mioshastandards](http://www.michigan.gov/mioshastandards). For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.** ~~The appendices are informational only and are not intended to create any additional obligations or requirements not otherwise imposed or to detract from any established obligations or requirements.~~

**(a) Construction Safety Standard Part 16. “Power Transmission and Distribution,” R 408.41601 to R 408.41658.**

**(b) Construction Safety Standard Part 45 “Fall Protection,” R 408.44501 to R 408.44502.**

**(c) Occupational Health Standard Part 380 “Occupational Noise Exposure” R 325.60101 to R 325.60128.**

**(d) Occupational Health Standard Part 451 “Respiratory Protection,” R 325.60051 to R 325.60052.**

**(6) The appendices are informational only and are not intended to create any additional obligations or requirements not otherwise imposed or to detract from any established obligations or requirements.**

#### PAYMENT FOR PERSONAL PROTECTIVE EQUIPMENT.

R 408.40617a Payment for personal protective equipment (PPE).

Rule 617a. (1) An employer shall provide at no cost to employees the personal protective equipment necessary to protect against hazards that the employer is aware of as a result of any required assessments.

(2) An employer shall pay for replacement PPE, as necessary, under either of the following conditions:

(a) When the PPE no longer provides the protection it was designed to provide.

(b) When the previously provided PPE is no longer adequate or functional.

(3) When an employee has lost or intentionally damaged the PPE issued to him or her, an employer is not required to pay for its replacement and may require the employee to pay for its replacement.

(4) An employer is not required to pay for prescription safety eyewear with removable or permanent sideshields as long as the employer provides safety eyewear that fits over an employee’s prescription lenses.

(5) An employer is not required to pay for non-specialty prescription ~~safety~~ ~~afety~~ eyewear, provided that the employer permits these items to be worn off the job-site.

(6) An employer is not required to pay for non-specialty safety-toe protective footwear, including steel-toe shoes or steel-toe boots, provided that the employer permits these items to be worn off the job-site.

(7) An employer shall provide, at no cost to employees, metatarsal guards attachable to shoes when metatarsal protection is necessary, when both of the following apply:

(a) If metatarsal protection is necessary and an employer requires employees to use metatarsal shoes instead of detachable guards, then the employer shall provide the metatarsal shoe at no cost to the employee.

(b) If an employer provides metatarsal guards and allows the employee, at his or her request, to use shoes or boots with built-in metatarsal protection, then the employer is not required to pay for the metatarsal shoes or boots.

(8) An employer is not required to pay for either of the following:

(a) Everyday clothing, which includes any of the following:

(i) Long-sleeve shirts.

(ii) Long pants.

(iii) Street shoes.

(iv) Normal work boots.

(v) Ordinary clothing.

(vi) Skin creams.

(b) Other items used solely for protection from weather, which includes any of the following:

(i) Winter coats.

(ii) Jackets.

(iii) Gloves.

(iv) Parkas.

(v) Rubber boots.

(vi) Hats.

(vii) Raincoats.

(viii) Ordinary sunglasses.

(ix) Sunscreen.

(9) An employer shall pay for protection when ordinary weather gear is not sufficient to protect an employee and special equipment or extraordinary clothing is needed to protect the employee from unusually severe weather conditions. Clothing used in artificially-controlled environments with extreme hot or cold temperatures, such as freezers, is not considered part of the weather gear exception.

(10) All of the following apply to upgraded and personalized PPE:

(a) An employer is not required to pay for PPE requested by an employee that exceeds the PPE requirements, provided that the employer provides PPE that meets the standards at no cost to the employee.

(b) If an employer allows an employee to acquire and use upgraded or personalized PPE, then the employer is not required to reimburse the employee for the equipment, provided that the employer has provided adequate PPE at no cost to the employee.

(c) An employer shall evaluate an employee's upgraded or personalized PPE to ensure that it is in compliance with all of the following:

(i) Adequate to protect from hazards present in the workplace.

(ii) Properly maintained.

(iii) Kept in a sanitary condition.

(11) When the provisions of another MIOSHA standard specify whether the employer shall pay for specific equipment, the payment provisions of that standard prevails.

R 408.40623 Certification of face and eye protection.

Rule 623. Except for the devices required by R 408.40624(5), all face and eye protection devices shall bear a certification by the manufacturer that the device has been produced according to ANSI standard ~~Z87.1,~~ **Z-87.1, “Practice for Occupational and Educational Eye and Face Protection,” 1991 edition, as adopted in R 408.40603.** ~~as revised in 1991, occupational and educational eye and face protection, which is adopted in these rules by reference and may be inspected at the Lansing office of the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section. The standard may be purchased at a cost of \$42.00 as of the time of adoption of these rules from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909.~~ If it is impractical for the protection device to bear the certification, then the container for the device shall bear the certification.

## FOOT AND TOE PROTECTION

R 408.40625 Foot and toe protection; consensus standards; specific requirements.

Rule 625. (1) Safety toe footwear shall bear a permanent mark to show the manufacturer’s name or trademark and to show certification of compliance with ANSI standard Z-41 ~~-1991, “Protective Footwear~~ **“ Personal Protection – Protective Footwear,” 1991 edition, as adopted in R 408.40603.** ~~which is adopted in these rules by reference and may be inspected at the Lansing office of the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section. The standard may be purchased at a cost of \$20.00 as of the time of adoption of these rules from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, Box 30643, Lansing, Michigan 48909.~~

(2) An employer shall ensure that each affected employee wears foot protection or toe protection, or both, if conditions of the job are likely to cause a foot injury.

(3) If a hazard is created from a process, chemical, or mechanical irritant which could cause an injury or impairment to the feet by absorption or physical contact, other than from impact, then the employer shall provide any of the following to the employee:

- (a) Boots.
- (b) Overshoes.
- (c) Rubbers.
- (d) Wooden-soled shoes.
- (e) The equivalent to subdivisions (a) to (d) of this subrule.

## FALL PROTECTION

R 408.40631 Fall protection.

Rule 631. An employer shall ensure that each employee whose fall protection is not covered by another MIOSHA safety standard, and the employee’s work area is more than 6 feet above the ground, floor, water, or other surface, shall be protected as prescribed in Construction Safety Standard Part 45 “Fall Protection,” as referenced in **R 408.40603.** ~~R 408.13301a.~~ The following systems are included in Construction Safety Standard Part 45 “Fall Protection:”

- (a) Guardrail systems.
- (b) Safety net systems.
- (c) Personal fall arrest systems.

See Appendix C for reference to the correct safety standards for construction industry threshold heights requiring fall prevention/protection equipment.

## **ELECTRICAL PROTECTIVE EQUIPMENT**

### **R 408.40650 Design requirements for specific types of electrical protective equipment.**

**Rule 650. (1) Rubber insulating blankets, rubber insulating matting, rubber insulating covers, rubber insulating line hose, rubber insulating gloves, and rubber insulating sleeves shall meet the requirements of this rule.**

**(2) Manufacture and marking of rubber insulating equipment shall be as follows:**

**(a) Blankets, gloves, and sleeves shall be produced by a seamless process.**

**(b) Each item shall be clearly marked as follows:**

**(i) Class 00 equipment shall be marked class 00.**

**(ii) Class 0 equipment shall be marked class 0.**

**(iii) Class 1 equipment shall be marked class 1.**

**(iv) Class 2 equipment shall be marked class 2.**

**(v) Class 3 equipment shall be marked class 3.**

**(vi) Class 4 equipment shall be marked class 4.**

**(vii) Non-ozone-resistant equipment shall be marked type I.**

**(viii) Ozone-resistant equipment shall be marked type II.**

**(ix) Other relevant markings, such as the manufacturer's identification and the size of the equipment, may also be provided.**

**(c) Markings shall be nonconducting and shall be applied in such a manner as not to impair the insulating qualities of the equipment.**

**(d) Markings on gloves shall be confined to the cuff portion of the glove.**

**(3) Electrical requirements shall be all of the following:**

**(a) Equipment shall be capable of withstanding the alternating current proof-test voltage specified in Table A or the direct current proof-test voltage specified in Table B, all of the following apply:**

**(i) The proof test shall reliably indicate that the equipment can withstand the voltage involved.**

**(ii) The test voltage shall be applied continuously for 3 minutes for equipment other than matting and shall be applied continuously for 1 minute for matting.**

**(iii) Gloves shall also be capable of separately withstanding the alternating current proof-test voltage specified in Table A after a 16-hour water soak.**

**(b) When the alternating current proof test is used on gloves, the 60-hertz proof-test current may not exceed the values specified in Table A at any time during the test period all of the following apply:**

**(i) If the alternating current proof test is made at a frequency other than 60 hertz, the permissible proof-test current shall be computed from the direct ratio of the frequencies.**

**(ii) For the test, gloves (right side out) shall be filled with tap water and immersed in water to a depth that is in accordance with Table C. Water shall be added to or removed from the glove, as necessary, so that the water level is the same inside and outside the glove.**

(iii) After the 16-hour water soak specified in this subrule, the 60-hertz proof-test current may not exceed the values given in Table A by more than 2 milliamperes.

(c) Equipment that has been subjected to a minimum breakdown voltage test may not be used for electrical protection. See subrule (3) of this rule.

(d) Material used for Type II insulating equipment shall be capable of withstanding an ozone test, with no visible effects. The ozone test shall reliably indicate that the material will resist ozone exposure in actual use. Any visible signs of ozone deterioration of the material, such as checking, cracking, breaks, or pitting, is evidence of failure to meet the requirements for ozone-resistant material. See subrule (3) of this rule.

(4) Workmanship and finish shall comply with both of the following:

(a) Equipment shall be free of physical irregularities that can adversely affect the insulating properties of the equipment and that can be detected by the tests or inspections required by these rules.

(b) Surface irregularities that may be present on all rubber goods, because of imperfections on forms or molds or because of inherent difficulties in the manufacturing process, and that may appear as indentations, protuberances, or imbedded foreign material are acceptable under both of the following conditions:

(i) The indentation or protuberance blends into a smooth slope when the material is stretched.

(ii) Foreign material remains in place when the insulating material is folded and stretches with the insulating material surrounding it.

(5) Rubber insulating equipment meeting the national consensus standards in Table 4 is considered to be in compliance with the performance requirements of these rules.

**TABLE 4**  
**AMERICAN SOCIETY OF TESTING MATERIALS STANDARDS**

<b>STANDARD TITLE</b>	<b>ASTM NUMBER</b>	<b>EDITION</b>	<b>SUPPLEME NT</b>
<b>Standard Specification for Rubber Insulating Gloves</b>	<b>D-120</b>	<b>2009</b>	<b>-</b>
<b>Standard Specification for Rubber Insulating Matting</b>	<b>D-178</b>	<b>2001</b>	<b>2010</b>
<b>Standard Specification for Rubber Insulating Blankets</b>	<b>D-1048</b>	<b>2012</b>	
<b>Standard Specification for Rubber Insulating Covers</b>	<b>D-1049</b>	<b>1998</b>	<b>2010</b>
<b>Standard Specification for Rubber Insulating Line Hose</b>	<b>D-1050</b>	<b>2005</b>	<b>2011</b>
<b>Standard Specification for Rubber Insulating Sleeves</b>	<b>D-1051</b>	<b>2008</b>	<b>-</b>
<p>These standards also contain specifications for conducting the various tests required in these rules. For example, the alternating current and direct current proof tests, the breakdown test, the water-soak procedure, and the ozone test mentioned in these rules are described in detail in these ASTM standards.</p>			
<p>ASTM F-1236 “Standard Guide for Visual Inspection of Electrical Protective Rubber Products,” 1996 Edition with 2012 supplement, as adopted in R 408.40603, presents methods and techniques for the visual inspection of electrical protective equipment made of rubber. This guide also contains descriptions and photographs of irregularities that can be found in this equipment.</p>			
<p>ASTM F-819 “Standard Terminology Relating to Electrical Protective Equipment for Workers,” 2010 edition, as adopted in R 408.40603, includes definitions of terms relating to the electrical protective equipment covered in these rules.</p>			

**R 408.40655 Design requirements for other types of electrical protective equipment.**

**Rule 655. (1)** The following requirements apply to the design and manufacture of electrical protective equipment that is not covered by R 408.40650:

**(2)** Insulating equipment used for the protection of employees shall be capable of withstanding, without failure, the voltages that may be imposed upon it.

**Note 1 to subrule (2):** These voltages include transient over-voltages, such as switching surges, as well as nominal line voltage. See Construction Safety Standard Part 16 “Power Transmission and Distribution,” Appendix B, as referenced in R 408.40603, for a discussion of transient over-voltages on electric power transmission and distribution systems.

**Note 2 to subrule (2):** See IEEE 516 “Guide for Maintenance Methods on Energized Power Lines,” 2009 edition, as adopted in R 408.40603, for methods of determining the magnitude of transient over-voltages on an electrical system and for a discussion comparing the ability of

insulation equipment to withstand a transient overvoltage based on its ability to withstand alternating current voltage testing.

(3) Equipment current shall comply with both of the following:

(a) Protective equipment used for the primary insulation of employees from energized circuit parts shall be capable of passing a current test when subjected to the highest nominal voltage on which the equipment is to be used.

(b) When insulating equipment is tested pursuant to these rules, the equipment current shall not exceed 1 microampere per kilovolt of phase-to-phase applied voltage.

Note 1 to subrule (3): This rule shall apply to equipment that provides primary insulation of employees from energized parts. It does not apply to equipment used for secondary insulation or equipment used for brush contact only.

Note 2 to subrule (3): For alternating current excitation, this current shall consist of the following components:

(i) Capacitive current because of the dielectric properties of the insulating material itself.

(ii) Conduction current through the volume of the insulating equipment.

(iii) Leakage current along the surface of the tool or equipment.

The conduction current shall be normally negligible. For clean, dry insulating equipment, the leakage current shall be small, and the capacitive current shall be predominate.

Note 3 to (3): Plastic guard equipment is considered to conform to the performance requirements of this rule, if it meets, and is used in accordance with ASTM F-712 “Standard Test Methods and Specifications for Electrically Insulating Plastic Guard Equipment for Protection of Workers,” 2006 edition with 2011 supplement, as adopted in R 408.40603.

#### **R 408.40660 In-service care and use of electrical protective equipment.**

Rule 660. (1) Electrical protective equipment shall be maintained in a safe, reliable condition.

(2) The following requirements apply to rubber insulating blankets, rubber insulating covers, rubber insulating line hose, rubber insulating gloves, and rubber insulating sleeves.

(3) Maximum use voltages shall conform to those listed in Table D.

(4) Insulating equipment shall be inspected for damage before each day’s use and immediately following any incident that can reasonably be suspected of causing damage. Insulating gloves shall be given an air test, along with the inspection.

Note to subrule (4): ASTM F-1236 “Standard Guide for Visual Inspection of Electrical Protective Rubber Products,” 1996 Edition with 2012 supplement, as adopted in R 408.40603, presents methods and techniques for the visual inspection of electrical protective equipment made of rubber. This guide also contains descriptions and photographs of irregularities that can be found in this equipment.

(5) Insulating equipment with any of the following defects shall not be used.

(a) A hole, tear, puncture, or cut.

(b) Ozone cutting or ozone checking, that is a series of interlacing cracks produced by ozone on rubber under mechanical stress.

(c) An embedded foreign object.

(d) Any of the following texture changes:

(i) Swelling.

(ii) Softening.

(iii) Hardening.

(iv) Becoming sticky or inelastic.

(v) Any other defect that damages the insulating properties.



**(6) Insulating equipment found to have other defects that might affect its insulating properties shall be removed from service and returned for testing under subrules (10) and (11) of this rule.**

**(7) Insulating equipment shall be cleaned as needed to remove foreign substances.**

**(8) Insulating equipment shall be stored in a location and in a manner as to protect it from all of the following:**

**(a) Light.**

**(b) Temperature extremes.**

**(c) Excessive humidity.**

**(d) Ozone.**

**(e) Other damaging substances and conditions.**

**(9) Protector gloves shall be worn over insulating gloves, except under the following conditions:**

**(a) Protector gloves need not be used with class 0 gloves, under limited-use conditions, when small equipment and parts manipulation necessitate unusually high finger dexterity.**

**Note to subrule (9)(a): Persons inspecting rubber insulating gloves used under these conditions shall take extra care in visually examining them. Employees using rubber insulating gloves under these conditions shall take extra care to avoid handling sharp objects.**

**(b) If the voltage does not exceed 250 volts, ac, or 375 volts, direct current, protector gloves shall not be used with class 00 gloves, under limited-use conditions, when small equipment and parts manipulation necessitate unusually high finger dexterity.**

**Note to subrule (9)(b): Persons inspecting rubber insulating gloves used under these conditions shall take extra care in visually examining them. Employees using rubber insulating gloves under these conditions need to take extra care to avoid handling sharp objects.**

**(c) Any other class of glove may be used without protector gloves, under limited-use conditions, when small equipment and parts manipulation necessitate unusually high finger dexterity but only if the employer can demonstrate that the possibility of physical damage to the gloves is small and if the class of glove is 1 class higher than that required for the voltage involved.**

**(d) Insulating gloves that have been used without protector gloves shall not be reused until they have been tested under the provisions of this rule.**

**(10) Electrical protective equipment shall be subjected to periodic electrical tests. Test voltages and the maximum intervals between tests shall be pursuant to Table D and Table E.**

**(11) The test method used in this subrule shall reliably indicate whether the insulating equipment can withstand the voltages involved.**

**Note to subrule (11): The standard electrical test methods considered as meeting this requirement are listed in Table 5.**

**(12) Insulating equipment failing to pass inspections or electrical tests shall not be used by employees, except as follows:**

**(a) Rubber insulating line hose may be used in shorter lengths with the defective portion cut off.**

**(b) Rubber insulating blankets may be salvaged by severing the defective area from the undamaged portion of the blanket. The resulting undamaged area shall not be smaller than 560 millimeters by 560 millimeters (22 inches by 22 inches) for class 1, 2, 3, and 4 blankets.**

**(c) Rubber insulating blankets may be repaired using a compatible patch that results in physical and electrical properties equal to those of the blanket.**

**(d) Rubber insulating gloves and sleeves with minor physical defects, such as small cuts, tears, or punctures, may be repaired by the application of a compatible patch. Also, rubber insulating gloves and sleeves with minor surface blemishes may be repaired with a compatible liquid compound. The repaired area shall have electrical and physical properties equal to those of the**

surrounding material. Repairs to gloves shall be permitted only in the area between the wrist and the reinforced edge of the opening.

(13) Repaired insulating equipment shall be retested before it may be used by employees.

(14) The employer shall certify that equipment has been tested pursuant to the requirements of this rule. The certification shall identify the equipment that passed the test and the date it was tested and shall be made available upon request to the department of licensing and regulatory affairs director and to MIOSHA employees or their authorized representatives.

Note to subrule (14): Marking equipment with, and entering onto logs, the results of the tests and the dates of testing are acceptable means of meeting the certification requirement.

**TABLE 5**  
**AMERICAN SOCIETY OF TESTING MATERIALS STANDARDS**

<b>STANDARD TITLE</b>	<b>ASTM NUMBER</b>	<b>EDITION</b>	<b>SUPPLEME NT</b>
<b>Standard Specification for Rubber Insulating Gloves</b>	<b>D-120</b>	<b>2009</b>	<b>-</b>
<b>Standard Specification for Rubber Insulating Matting</b>	<b>D-178</b>	<b>2001</b>	<b>2010</b>
<b>Standard Specification for Rubber Insulating Blankets</b>	<b>D-1048</b>	<b>2012</b>	
<b>Standard Specification for Rubber Insulating Covers</b>	<b>D-1049</b>	<b>1998</b>	<b>2010</b>
<b>Standard Specification for Rubber Insulating Line Hose</b>	<b>D-1050</b>	<b>2005</b>	<b>2011</b>
<b>Standard Specification for Rubber Insulating Sleeves</b>	<b>D-1051</b>	<b>2008</b>	<b>-</b>
<b>Standard Specification for In-Service Care of Insulating Line Hose and Covers</b>	<b>F-478</b>	<b>2009</b>	<b>-</b>
<b>Standard Specification for In-Service Care of Insulating Blankets</b>	<b>F-479</b>	<b>2006</b>	<b>2011</b>
<b>Standard Specification for In-Service Care of Insulating Gloves And Sleeves</b>	<b>F-496</b>	<b>2008</b>	<b>-</b>

**TABLE A**  
**ALTERNATING CURRENT PROOF-TEST REQUIREMENTS**

CLASS OF EQUIPMENT	PROOF-TEST VOLTAGE RMS V	Maximum Proof-Test Current, mA (Globes Only)			
		280-mm (11 in.) Glove	360-mm (14 in.) Glove	410-mm (16 in.) Glove	460-mm (18 in.) Glove
<b>00</b>	<b>2,500</b>	<b>8</b>	<b>12</b>	<b>-</b>	<b>-</b>
<b>0</b>	<b>5,000</b>	<b>8</b>	<b>12</b>	<b>14</b>	<b>16</b>
<b>1</b>	<b>10,000</b>	<b>-</b>	<b>14</b>	<b>16</b>	<b>18</b>
<b>2</b>	<b>20,000</b>	<b>-</b>	<b>16</b>	<b>18</b>	<b>20</b>
<b>3</b>	<b>30,000</b>	<b>-</b>	<b>18</b>	<b>20</b>	<b>22</b>
<b>4</b>	<b>40,000</b>	<b>-</b>	<b>-</b>	<b>22</b>	<b>24</b>

**TABLE B**  
**DIRECT CURRENT PROOF-TEST REQUIREMENTS**

CLASS OF EQUIPMENT	PROOF-TEST VOLTAGE
<b>00</b>	<b>10,000</b>
<b>0</b>	<b>20,000</b>
<b>1</b>	<b>40,000</b>
<b>2</b>	<b>50,000</b>
<b>3</b>	<b>60,000</b>
<b>4</b>	<b>70,000</b>

**NOTE:** The dc voltages listed in this table are not appropriate for proof testing rubber insulating line hose or covers. For this equipment, dc proof tests shall use a voltage high enough to indicate that the equipment can be safely used at the voltages listed in Table D.

See ASTM D-1050 “Standard Specification for Rubber Insulating Line Hose,” 2005 edition with 2011 supplement and ASTM D-1049 “Standard Specification for Rubber Insulating Covers,” 1998 edition with 2010 supplement, as adopted in R 408.40603, for further information on proof tests for rubber insulating line hose and covers, respectively.

**TABLE C**  
**GLOVE TESTS – WATER LEVEL<sup>1,2</sup>**

<b>CLASS OF GLOVE</b>	<b>ALTERNATING CURRENT PROOF TEST</b>		<b>DIRECT CURRENT PROOF TEST</b>	
	<b>mm</b>	<b>in</b>	<b>mm</b>	<b>in</b>
<b>00</b>	<b>38</b>	<b>1.5</b>	<b>38</b>	<b>1.5</b>
<b>0</b>	<b>38</b>	<b>1.5</b>	<b>38</b>	<b>1.5</b>
<b>1</b>	<b>38</b>	<b>1.5</b>	<b>51</b>	<b>2.0</b>
<b>2</b>	<b>64</b>	<b>2.5</b>	<b>76</b>	<b>3.0</b>
<b>3</b>	<b>89</b>	<b>3.5</b>	<b>102</b>	<b>4.0</b>
<b>4</b>	<b>127</b>	<b>5.0</b>	<b>153</b>	<b>6.0</b>

<sup>1</sup> The water level is given as the clearance from the reinforced edge of the glove to the water line, with a tolerance of  $\pm 13$  mm. ( $\pm 0.5$  in.).

<sup>2</sup> If atmospheric conditions make the specified clearances impractical, the clearances may be increased by a maximum of 25 mm. (1 in.).

**TABLE D**  
**RUBBER INSULATING EQUIPMENT, VOLTAGE REQUIREMENTS**

<b>CLASS OF EQUIPMENT</b>	<b>MAXIMUM USE VOLTAGE<sup>1</sup> ALTERNATING CURRENT RMS</b>	<b>RETEST VOLTAGE<sup>2</sup> ALTERNATING CURRENT RMS</b>	<b>RETEST VOLTAGE<sup>2</sup> DIRECT CURRENT AVG</b>
<b>00</b>	<b>500</b>	<b>2,500</b>	<b>10,000</b>
<b>0</b>	<b>1,000</b>	<b>5,000</b>	<b>20,000</b>
<b>1</b>	<b>7,500</b>	<b>10,000</b>	<b>40,000</b>
<b>2</b>	<b>17,000</b>	<b>20,000</b>	<b>50,000</b>
<b>3</b>	<b>26,500</b>	<b>30,000</b>	<b>60,000</b>
<b>4</b>	<b>36,000</b>	<b>40,000</b>	<b>70,000</b>

<sup>1</sup> The maximum use voltage is the ac voltage (rms) classification of the protective equipment that designates the maximum nominal design voltage of the energized system that may be safely worked. The nominal design voltage is equal to the phase-to-phase voltage on multiphase circuits. However, the phase-to-ground potential is considered to be the nominal design voltage if either of the following occur:

(1) There is no multiphase exposure in a system area and the voltage exposure is limited to the phase-to-ground potential.

(2) The electric equipment and devices are insulated or isolated or both so that the multiphase exposure on a grounded wye circuit is removed.

<sup>2</sup> The proof-test voltage shall be applied continuously for at least 1 minute, but no more than 3 minutes.

**TABLE E**  
**RUBBER INSULATING EQUIPMENT TEST INTERVALS**

<b>TYPE OF EQUIPMENT</b>	<b>WHEN TO TEST</b>
<b>Rubber insulating line hose</b>	Upon indication that insulating value is suspect and after repair.
<b>Rubber insulating covers</b>	Upon indication that insulating value is suspect and after repair.
<b>Rubber insulating blankets</b>	Before first issue and every 12 months thereafter; <sup>1</sup> upon indication that insulating value is suspect; and after repair
<b>Rubber insulating gloves</b>	Before first issue and every 6 months thereafter; <sup>1</sup> upon indication that insulating value is suspect; after repair; and after use without protectors
<b>Rubber insulating sleeves</b>	Before first issue and every 12 months thereafter; <sup>1</sup> upon indication that insulating value is suspect; and after repair

<sup>1</sup> If the insulating equipment has been electrically tested but not issued for service, the insulating equipment may not be placed into service unless it has been electrically tested within the previous 12 months.

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**ADMINISTRATIVE RULES**

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**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS ~~CONSUMER AND INDUSTRY~~  
SERVICES**

**~~DIRECTOR'S OFFICE BUREAU OF SAFETY AND REGULATION~~**

**~~GENERAL INDUSTRY SAFETY STANDARDS COMMISSION~~**

Proposed Draft December 10, 2014

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the **director of the department of licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154, MCL 408.1016 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030**)~~general industry safety standards commission by sections 16 and 21 of Act No. 154 of the Public Acts of 1974, as amended, being SS408.1016 and 408.1021 of the Michigan Compiled Laws)~~

R 408.14001, R 408.14002, R 408.14004, R 408.14005, R 408.14008, and R 408.14009 of the Michigan Administrative Code are amended, and R 408.14001a and R 408.14001b of the Code are added, as follows:

**PART 40. SAFETY-RELATED WORK PRACTICES**

**GENERAL PROVISIONS**

R 408.14001 Scope.

Rule 4001. (1) The provisions of these rules regulate electrical safety-related work practices for both qualified persons, that is, those who have training in avoiding the electrical hazards of working on or near exposed energized parts, and unqualified persons, that is, those who have little or no such training, who work on, near, or with any of the following installations:

(a) Installations of electric conductors and equipment within or on buildings or other structures and on other premises such as yards, carnival, parking, and other lots, and industrial substations.

(b) Installations of conductors that connect to the supply of electricity.

(c) Installations of other outside conductors on the premises.

(d) Installations of optical fiber cable where such installations are made together with electric conductors. See R 408.14002 for training requirements that apply to qualified and unqualified persons.

(2) The provisions of these rules also regulate work that is performed by unqualified persons on, near, or with the installations listed in subrule (3)(a) to (d) of this rule.

(3) The provisions of these rules do not apply to work that is performed by qualified persons on, or directly associated with, any of the following installations:

(a) Installations for the generation, control, transformation, transmission, and distribution of electric energy, including communication and metering, that are located in buildings used for such purposes or located outdoors. Work on, or directly associated with, installations of utilization equipment that is used for a purpose other than generating, transmitting, or distributing electric energy, such as installations which are in office buildings, warehouses, garages, machine shops, or recreational buildings or which are other utilization installations that are not an integral part of a generating installation, substation, or control center, is regulated pursuant to the provisions of subrule (1)(a) of this rule. Work on, or directly associated with, generation, transmission, or distribution installations includes any of the following:

(i) Work performed directly on such installations, such as repairing overhead or underground distribution lines or repairing a feed-water pump for the boiler in a generating plant.

(ii) Work that is directly associated with such installations, such as line-clearance tree trimming and replacing utility poles. **See the definition of “line-clearance tree trimming” in R 408.14001b.**

(iii) Work on electric utilization circuits in a generating plant provided if both of the following provisions apply:

(A) Such circuits are commingled with installations of power generation equipment or circuits.

(B) The generation equipment or circuits present greater electrical hazards than those posed by the utilization equipment or circuits, such as exposure to higher voltages or lack of overcurrent protection.

(b) Installations of communication equipment to the extent that the work is regulated by the provisions of **General Industry Safety Standard Part 50 “Telecommunications,” as referenced in R 408.14001a.** ~~29 C.F.R. §1910.268, which is adopted by reference in these rules and which is available at a cost as of the time of adoption of these rules of \$24.00, by ordering Title 29, Parts 1900 to 1910—Part 1, Safety Standards, #869-011-00109-2, from the Superintendent of Documents, Congressional Sales Office, United States Government Printing Office, Washington, DC 20402, or from the Safety Standards Division, Michigan Department of Labor, Box 30015, Lansing, Michigan 48909.~~

(c) Installations in ships, watercraft, railway rolling stock, aircraft, or automotive vehicles other than mobile homes and recreational vehicles.

(d) Installations of railways for the generation, transformation, transmission, or distribution of power that is used exclusively for operating rolling stock or installations of railways used exclusively for signaling and communication purposes.

**(5) For work on or directly associated with utilization installations, an employer who complies with the work practices of General Industry Safety Standard Part 86 “Electric Power Generation, Transmission, and Distribution,” as referenced in R 408.14001a, will be deemed to be in compliance with R 408.14005 and R 408.14009. However, the requirements of R 408.14002, R 408.14003, R 408.14004, and R 408.14007 apply to all work on or directly associated with utilization installations, regardless of whether the work is performed by qualified or unqualified persons.**

#### **R 408.14001a Referenced standards.**

**Rule 4001a.** The following Michigan occupational safety and health standards (MIOSHA) are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, P.O. Box 30643, Lansing, MI, 48909-8143 or via the internet at website: [www.michigan.gov/miohastandards](http://www.michigan.gov/miohastandards). For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

(a) General Industry Safety Standard Part 33 “Personal Protective Equipment,” R 408.13301 to R 408.13398.



(b) General Industry Safety Standard Part 37 “Accident Prevention Signs and Tags,” R 408.13701 to R 408.13736.

(c) General Industry Safety Standard Part 39 “Design Safety Standards for Electrical Systems,” R 408.13901 to R 408.13905.

(d) General Industry Safety Standard Part 50 “Telecommunications,” R 408.15001 to R 408.15004.

(e) General Industry Safety Standard Part 86 “Electric Power Generation, Transmission, and Distribution,” R 408.18601 to R 408.18605.

**R 408.14001b Definition.**

Rule 4001b. “Line-clearance tree trimmer,” means an employee who, through related training or on-the-job experience, or both, is familiar with the special techniques and hazards involved in line-clearance tree trimming.

Note 1: An employee who is regularly assigned to a line-clearance tree-trimming crew and who is undergoing on-the-job training and who, in the course of such training, has demonstrated an ability to perform duties safely at his or her level of training and who is under the direct supervision of a line-clearance tree trimmer is considered to be a line-clearance tree trimmer for the performance of those duties.

Note 2: A line-clearance tree trimmer is not considered to be a “qualified employee” unless he or she has the training required for a qualified employee according to General Industry Safety Standard Part 86 “Electric Power Generation, Transmission, and Distribution,” as referenced in R 408.14001a. However, according to General Industry Safety Standard Part 86 “Electric Power Generation, Transmission, and Distribution,” a line-clearance tree trimmer is considered to be a “qualified employee”. Tree trimming performed by these “qualified employees” shall not be subject to the electrical safety-related work practice requirements contained in these rules. Also see R 408.14002 for information regarding the training an employee must have to be considered a qualified employee under these rules.

**R 408.14002 Training requirements.**

Rule 4002. (1) The training requirements contained in this rule apply to employees who face a risk of electric shock that is not reduced to a safe level by the electrical installation requirements of **General Industry Safety Standard Part 39 “Design Safety Standards for Electrical Systems,” as referenced in R 408.14001a.** ~~29 C.F.R. SS1910.303 to 1910.308, which are adopted by reference in these rules and which are available at a cost as of the time of adoption of these rules of \$24.00, by ordering Title 29, Parts 1900 to 1910 – Part 1, Safety Standards, #869-011-00109-2, from the Superintendent of Documents, Congressional Sales Office, United States Government Printing Office, Washington, DC 20402, or from the Safety Standards Division, Michigan Department of Labor, Box 30015, Lansing, Michigan 48909.~~

(2) Employees who are in occupations that are listed in table 1 face such a risk of electric shock and are required to be trained. Other employees who also may reasonably be expected to face a comparable risk of injury due to electric shock or other electrical hazards shall also be trained.

(3) Employees shall be trained in, and familiar with, the safety-related work practices required by these rules that pertain to their respective job assignments.

(4) Employees who are regulated by the provisions of subrules (1) to (3) of this rule, but who are not qualified persons, shall also be trained in, and familiar with, any electrically related safety practices which are not specifically addressed by these rules, but which are necessary for employee safety.

(5) Qualified persons, that is, those who are permitted to work on or near exposed energized parts,

shall, at a minimum, be trained in, and familiar with, all of the following:

(a) The skills and techniques necessary to distinguish exposed live parts from other parts of electric equipment.

(b) The skills and techniques necessary to determine the nominal voltage of exposed live parts.

(c) The clearance distances specified in R 408.14005 and the corresponding voltages to which the qualified person will be exposed.

For the purposes of these rules, a person shall have the training that is required by the provisions of this subrule to be considered a qualified person. Qualified persons whose work on energized equipment involves either direct contact or contact by means of tools or materials shall also have the training that is needed to meet the requirements of R 408.14005(2).

(6) The training that is required by this rule shall be classroom or on-the-job training. The degree of training provided shall be determined by the risk to the employee.

(7) Table 1 reads as follows:

TABLE 1  
TYPICAL OCCUPATIONAL CATEGORIES OF EMPLOYEES WHO FACE  
A HIGHER THAN NORMAL RISK OF ELECTRICAL ACCIDENT

<b>OCCUPATION Occupation:</b>
Blue collar supervisors*
Electrical and electronic engineers*
Electrical and electronic equipment assemblers*
Electrical and electronic technicians*
Electricians
Industrial machine operators*
Material handling equipment operators*
Mechanics and repairers*
Painters*
Riggers and roustabouts*
Stationary engineers*
Welders
*Workers in these groups do not need to be trained if their work or the work of those they supervise does not bring them or the employees they supervise close enough to exposed parts of electric circuits that operate at 50 volts or more to ground for a hazard to exist.

R 408.14004 Working on or near exposed de-energized parts.

Rule 4004. (1) This rule applies to work on exposed de-energized parts and to work that is near enough to exposed de-energized parts to expose an employee to any electrical hazard the parts present. Conductors and parts of electric equipment that have been de-energized, but have not been locked out in accordance with the provisions of subrule (2) of this rule, shall be treated as energized parts and the provisions of R 408.14005 apply to work on or near such parts.

(2) While any employee is exposed to contact with parts of fixed electrical equipment or circuits which have been de-energized, the circuits energizing the parts shall be locked out in accordance with the requirements of this rule. The requirements shall be followed in the order in which they are presented.

As used in this section, "fixed electrical equipment" means equipment that is fastened in place or connected by permanent wiring methods. Lockout procedures that comply with current lockout requirements will also be deemed to comply with the requirements of this rule. Where lockout is required by this part, if a lock cannot be employed or if the employer can demonstrate that tagging procedures will provide safety equivalent to a lock, a tag may be used without a lock. In such cases a tag shall be in compliance with all of the following requirements:

(a) A tag shall be of a distinctive employer design that clearly prohibits unauthorized energizing of the circuits and removal of the tag.

(b) A tag shall not be used without an additional safety measure, such as the removal of an isolating circuit element, the blocking of a controlling switch, or the opening of an extra disconnecting device.

(c) All persons who have access to controlling devices shall be trained in, and familiar with, the employer's tagging procedures.

(d) Meet the requirements of **General Industry Safety Standard Part 37 "Accident Prevention Signs and Tags," as referenced in R 408.14001a.** ~~general industry safety standard, Part 37. Accident Prevention Signs and Tags, being R 408.13701 et seq. of the Michigan Administrative Code.~~

(3) An employer shall maintain a copy of the procedures outlined in subrule (2) of this rule and shall make it available for inspection by employees and by the director of the ~~Michigan~~ department of **licensing and regulatory affairs, labor** and his or her authorized representatives. The written procedures may be in the form of a copy of the provisions of subrule (2) of this rule.

(4) Safe procedures for de-energizing circuits and equipment shall be determined before circuits or equipment are de-energized.

(5) The circuits and equipment to be worked on shall be disconnected from all electric energy sources. Control circuit devices, such as push buttons, selector switches, and interlocks, shall not be used as the sole means for de-energizing circuits or equipment. Interlocks for electric equipment shall not be used as a substitute for lockout.

(6) Stored electric energy which might endanger personnel shall be released. Capacitors shall be discharged and high-capacitance elements shall be short-circuited and grounded if the stored electric energy might endanger personnel. If the capacitors or associated equipment is handled in meeting this requirement, the capacitors and associated equipment shall be treated as energized.

(7) Stored nonelectrical energy in devices that could reenergize electric circuit parts shall be blocked or relieved to the extent that the circuit parts cannot be accidentally energized by the devices.

(8) A lock shall be placed on each disconnecting means that is used to de-energize circuits and equipment on which work is to be performed. The lock shall be attached to prevent a person from operating the disconnecting means unless undue force or tools are used.

(9) The requirements of this rule shall be met before any circuits or equipment can be considered to be de-energized and before any circuits or equipment can be worked on. A qualified person shall operate the equipment operating controls or otherwise verify that the equipment cannot be restarted. A qualified person shall use test equipment to test the circuit elements and electrical parts of equipment to which employees will be exposed and shall verify that the circuit elements and equipment parts are de-energized. The test shall also determine if any energized condition exists as a result of inadvertently induced voltage or unrelated voltage backfeed, even though specific parts of the circuit have been de-energized and presumed to be safe. If the circuit to be tested is more than 600 volts, nominal, the test equipment shall be checked for proper operation immediately before and immediately after this test.

(10) All of the following requirements shall be met, in the order presented, before circuits or equipment is reenergized, even temporarily:

(a) A qualified person shall conduct tests and visual inspections, as necessary, to verify that all tools, electrical jumpers, shorts, grounds, and other such devices have been removed so that the circuits and

equipment can be safely energized.

(b) Employees who are exposed to the hazards associated with reenergizing the circuit or equipment shall be warned to stay clear of circuits and equipment.

(c) Each lock shall be removed by the employee who applied it or by an employee who is under his or her direct supervision. However, if the employee who applied the lock is absent from the workplace, then the lock, if removed, shall be removed by a qualified person who is designated to perform this task if both of the following provisions are complied with:

(i) The employer ensures that the employee who applied the lock is not available at the workplace.

(ii) The employer ensures that the employee who applied the lock is aware that the lock has been removed before he or she resumes work at that workplace.

(d) There shall be a visual determination that all employees are clear of the circuits and equipment.

#### R 408.14005 Working on or near exposed energized parts.

Rule 4005. (1) This rule applies to work performed on exposed energized parts that involve either direct contact or contact by means of tools or materials and to work that is performed near enough to energized parts for employees to be exposed to any hazard the parts present.

(2) Only qualified persons may work on electric circuit parts or equipment that have not been de-energized under the procedures specified in R 408.14004. Such persons shall be trained to work safely on energized circuits and shall be familiar with the proper use of all of the following:

(a) Special precautionary techniques.

(b) Personal protective equipment.

(c) Insulating and shielding materials.

(d) Insulated tools.

(e) Testing equipment.

(3) If work is to be performed near overhead power lines the lines shall be de-energized and grounded or other protective measures shall be provided before work is started. If the lines are to be de-energized arrangements shall be made with the person or organization that operates or controls the electric circuits to de-energize and ground them. If protective measures are provided such as guarding, isolating or insulating these precautions shall prevent an employee from directly contacting such lines with any part of his or her body and from indirect contact through conductive materials tools or equipment. The work practices used by qualified persons who install insulating devices on overhead power transmission or distribution lines are not regulated by these rules. Unqualified persons are prohibited from performing this type of work.

(4) When an unqualified person is working in an elevated position near overhead lines, the person shall be located so that the person and the longest conductive object he or she may be using cannot come closer to any unguarded, energized overhead line than the following distances:

(a) For voltages to ground of 50 kilovolts (kV) or less - 10 feet (ft.) (305 centimeters (cm)).

(b) For voltages to ground of more than 50 kV - 10 ft. (305 cm), plus 4 inches (in.) (10 cm) for every 10kV over 50kV.

(5) When an unqualified person is working on the ground in the vicinity of overhead lines, the person shall not bring any conductive object closer to unguarded, energized overhead lines than the distances specified in subrule (4) of this rule. For voltages that are normally encountered with overhead power lines, objects which do not have an insulating rating for the voltage involved are considered to be conductive.

(6) When a qualified person is working in the vicinity of overhead power lines, whether in an elevated position or on the ground, the person shall not approach, or take any conductive object that does not have an approved insulating handle, closer to exposed energized parts than the distances shown in table

2, unless 1 of the following provisions is complied with:

(a) The person is insulated from the energized part by utilizing personal protective equipment that is in compliance with **General Industry Safety Standard Part 33 “Personal Protective Equipment,” as referenced in R 408.14001a.** ~~the provisions of rule 3387 of Part 33. Personal Protective Equipment, being R 408.13387 of the Michigan Administrative Code.~~

(b) The energized part is insulated from all other conductive objects at a different potential and from the person.

(c) The person is insulated from all conductive objects at a potential that is different from that of the energized part.

(7) Table 2 reads as follows:

**TABLE 2**  
**APPROACH DISTANCE FOR QUALIFIED EMPLOYEES**  
**ALTERNATING CURRENT**

<b>Voltage Range (Phase to Phase) Distance</b>	<b>Minimum Approach</b>
300 volts (V) and less	Avoid contact
More than 300 V, but not more than 750V	1 ft. 0 in. (30.5 cm)
More than 750V, but not more than 2kV	1 ft. 6 in. (46 cm)
More than 2kV, but not more than 15kV	2 ft. 0 in. (61 cm)
More than 15kV, but not more than 37kV	3 ft. 0 in. (91 cm)
More than 37kV, but not more than 87.5kV	3 ft. 6 in. (107 cm)
More than 87.5kV, but not more than 121kV	4 ft. 0 in. (122 cm)
More than 121kV, but not more than 140 kV	4 ft. 6 in. (137 cm)

(8) Any vehicle or mechanical equipment that is capable of having parts of its structure elevated near energized overhead power lines shall be operated so that a clearance of 10 ft. (305 cm) is maintained. If the voltage is more than 50kV, the clearance shall be increased 4 in. (10 cm) for every 10kV over that voltage. However, under any of the following conditions, the clearance may be reduced:

(a) If the vehicle is in transit with its structure lowered, the clearance may be reduced to 4 ft. (122 cm). If the voltage is more than 50kV, the clearance shall be increased 4 in. (10 cm) for every 10kV over that voltage.

(b) If insulating barriers are installed to prevent contact with the lines, and if the barriers are rated for the voltage of the line being guarded and are not a part of, or an attachment to, the vehicle or its raised structure, the clearance may be reduced to a distance within the designed working dimensions of the insulating barrier.

(c) If the equipment is an aerial lift that is insulated for the voltage involved, and if the work is performed by a qualified person, the clearance between the uninsulated portion of the aerial lift and the power line may be reduced to the distance specified in table 2.

(9) An employee who is standing on the ground shall not contact the vehicle or mechanical equipment or any of its attachments, unless either of the following provisions is complied with:

(a) The employee uses protective equipment that is rated for the voltage.

(b) The equipment is located so that uninsulated parts of that portion of its structure that provides a conductive path to an employee on the ground cannot come closer to the line than the distances permitted in table 2.

(10) If any vehicle or mechanical equipment that is capable of having parts of its structure elevated near energized overhead lines is intentionally grounded, employees working on the ground near the point of grounding shall not stand at the grounding location if there is a possibility of overhead line contact. Additional precautions, such as the use of barricades or insulation, shall be taken to protect employees from hazardous ground potentials, depending on earth resistivity and fault currents, which can develop within the first few feet or more outward from the grounding point.

(11) An employee shall not enter a space that contains exposed energized parts, unless illumination is provided to enable the employee to perform the work safely.

(12) Where lack of illumination or an obstruction precludes the observation of the work to be performed, an employee shall not perform tasks near exposed energized parts. An employee shall not reach blindly into areas which may contain energized parts.

#### R 408.14008 Electric power and lighting circuits.

Rule 4008. (1) Load-rated switches, circuit breakers, or other devices specifically designed as disconnecting means shall be used for the opening, reversing, or closing of circuits under load conditions. Cable connectors that are not of the load-break type, fuses, terminal lugs, and cable splice connections shall not be used for such purposes, except in an emergency.

(2) After a circuit is de-energized by a circuit protective device, the circuit shall not be manually reenergized until it has been determined that the equipment and circuit can be safely energized. The repetitive manual reclosing of circuit breakers or the reenergizing of circuits through replaced fuses is prohibited. When it can be determined from the design of the circuit and the overcurrent devices involved that the automatic operation of a device was caused by an overload rather than a fault condition, an examination of the circuit or connected equipment is not needed before the circuit is reenergized.

(3) Overcurrent protection of circuits and conductors shall not be modified, even on a temporary basis, beyond that permitted pursuant to the provisions of **General Industry Safety Standard Part 39 “Design Safety Standards for Electrical Systems,” as referenced in R 408.14001a. 29 C.F.R. §1910.304(e)**, which are the installation safety requirements for overcurrent protection. ~~and which are adopted by reference in these rules in R 408.14002.~~

(4) Only a qualified person shall perform testing work on electric circuits or equipment.

(5) Test instruments and equipment and all associated test leads, cables, power cords, probes, and connectors shall be visually inspected for external defects and damage before the instruments and equipment are used. If there is a defect or evidence of damage that might expose an employee to injury, the defective or damaged item shall be removed from service, and an employee shall not use the item until necessary repairs and tests to render the equipment safe have been made.

(6) Test instruments and equipment and their accessories shall be rated for the circuits and equipment to which they will be connected and shall be designed for the environment in which they will be used.

(7) Where flammable materials are present only occasionally, electric equipment that is capable of igniting the materials shall not be used, unless measures are taken to prevent hazardous conditions from developing. Such materials include flammable gases, vapors, or liquids, combustible dust, and **ignitable ignitable** fibers or flyings. Electrical installation requirements for locations where flammable materials are present on a regular basis are contained in the provisions of **General Industry Safety Standard Part 39 “Design Safety Standards for Electrical Systems,” as referenced in R 408.14001a. 29 C.F.R. §1910.307**, which are adopted by reference in these rules in R 408.14002.

#### R 408.14009 Safeguards for personnel working in electrical hazard areas.

Rule 4009. (1) An employee who works in an area where there are recognized electrical hazards shall

be provided with, and shall use, electrical protective equipment that is appropriate for the specific parts of the body to be protected and for the work to be performed. The appropriateness of the protective equipment shall be determined pursuant to the provisions of **General Industry Safety Standard Part 33 “Personal Protective Equipment,” as referenced in R 408.14001a.** ~~general industry safety standard, Part 33. Personal Protective Equipment, being R 408.13301 et seq. of the Michigan Administrative Code.~~

(2) Protective equipment shall be maintained in a safe, reliable condition and shall be periodically inspected or tested, as required by the provisions of **General Industry Safety Standard Part 33 “Personal Protective Equipment,” as referenced in R 408.14001a.** ~~general industry safety standard, Part 33. Personal Protective Equipment, being R 408.13301 et seq. of the Michigan Administrative Code.~~

(3) If the insulating capability of protective equipment may be subject to damage during use, the insulating material shall be protected. For example, an outer covering of leather is sometimes used for the protection of rubber insulating material.

(4) An employee shall wear nonconductive head protection pursuant to the provisions of **General Industry Safety Standard Part 33 “Personal Protective Equipment,” as referenced in R 408.14001a.** ~~R 408.13370 and R 408.13378~~ if there is a danger of head injury from electric shock or burns due to contact with exposed energized parts.

(5) An employee shall wear protective equipment for the eyes or face if there is a danger of injury to the eyes or face from electric arcs or flashes or from flying objects that result from electrical explosion.

(6) When working near exposed energized conductors or circuit parts, each employee shall use insulated tools or handling equipment if the tools or handling equipment might make contact with the conductors or parts. If the insulating capability of insulated tools or handling equipment is subject to damage, the insulating material shall be protected.

(7) Fuse-handling equipment that is insulated for the circuit voltage shall be used to remove or install fuses when the fuse terminals are energized.

(8) Ropes and handlines that are used near exposed energized parts shall be nonconductive.

(9) Protective shields, protective barriers, or insulating materials shall be used to protect each employee from shock, burns, or other electrically related injuries while that employee is working near exposed energized parts which might be accidentally contacted or where dangerous electric heating or arcing might occur. When normally enclosed energized parts are exposed for maintenance or repair, they shall be guarded to protect unqualified persons from contact with the energized parts.

(10) The following alerting techniques shall be used to warn and protect employees from hazards which could cause injury due to electric shock, burns, or the failure of electric equipment parts:

(a) Safety signs, safety symbols, or accident prevention tags shall be used where necessary to warn employees about electrical hazards which may endanger them, as required by the provisions of **General Industry Safety Standard Part 37 “Accident Prevention Signs and Tags,” as referenced in R 408.14001a.** ~~Part 37. Accident Prevention Signs and Tags, being R 408.13701 et seq. of the Michigan Administrative Code.~~

(b) Barricades shall be used in conjunction with safety signs where it is necessary to prevent or limit employee access to work areas that expose employees to uninsulated energized conductors or circuit parts. Conductive barricades shall not be used where they might cause an electrical contact hazard.

(c) If signs and barricades do not provide sufficient warning and protection from electrical hazards, an attendant shall be stationed to warn and protect employees.

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**ADMINISTRATIVE RULES**

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Filed with the Secretary Of State

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154, MCL 408.1016 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-18 2003-1, 2008-4, and 2011-4, MCL 408.1016, 408.1021, 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.14511, R 408.14522, and R 408.14555 of the Michigan Administrative Code are amended, and R 408.14502 is added, and R 408.14527 is rescinded, as follows:

PART 45. DIE CASTING

**R 408.14502 MIOSHA referenced standards.**

**Rule 4502.** The following Michigan occupational safety and health (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: [www.michigan.gov/mioshastandards](http://www.michigan.gov/mioshastandards). For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) General Industry Safety Standard Part 23 “Hydraulic Power Presses,” R 408.12301 to R 408.12373.

(b) General Industry Safety Standard Part 33 “Personal Protective Equipment,” R 408.13301 to R 408.13398.

R 408.14511 Personal protective equipment.

Rule 4511. (1) Eye protection with side shields shall be provided and used by an employee operating a die casting machine or tending a melting or holding furnace, as prescribed in **General Industry Safety Standard Part 33 “Personal Protective Equipment,” as referenced in R 408.14502.** ~~general industry safety standard, Part 33. Personal Protective Equipment, being R 408.13301 et seq. of the Michigan Administrative Code.~~

(2) Except for the operator of a cold chamber machine, a face shield shall be provided and used by an employee handling molten metals or tending a furnace, as prescribed in **General Industry Safety Standard Part 33 “Personal Protective Equipment,” as referenced in R 408.14502.** ~~general~~



~~industry safety standard, Part 33. Personal Protective Equipment, being R 408.13301 et seq. of the Michigan Administrative Code.~~

(3) An employee manually tending a die casting machine or a melting or holding furnace shall wear clothing which will cover the arms to hands, legs to feet and have the feet covered with hard soled shoes. Spats or leggings shall be provided to the employee, at no expense to the employee and used by an employee manually ladling a cold chamber die casting machine, tending a melting or holding furnace or transferring molten metal unless the employee wears moulders shoes with pant legs covering the tops.

(4) Other personal protective equipment required for the hazards as described in **General Industry Safety Standard Part 33 “Personal Protective Equipment,” as referenced in R 408.14502,** ~~general industry safety standard, Part 33. Personal Protective Equipment, being R 408.13301 et seq. of the Michigan Administrative Code,~~ shall be provided by the employer to an employee, at no expense to the employee.

(5) Open sandals, cloth shoes, exposed rings, or necklaces shall not be worn in the work areas. Rings covered by gloves or tape shall not be regarded as exposed.

#### R 408.14522 Machine controls.

Rule 4522. (1) An operating control on a machine, except a stop button, shall be so located or guarded to prevent accidental contact.

(2) A machine requiring more than 1 operator shall have controls for each operator which shall be activated concurrently before the machine will operate as prescribed in R 408.14541(1).

(3) A machine shall be provided at each work station with a **non-concealed** ~~nonconcealed~~ emergency stop device distinguished by its size or color.

(4) A machine shall be equipped so that upon power failure it will not automatically restart upon restoration of the power.

(5) An automatic die casting machine shall be equipped with a time delay device or circuit that will prevent the machine from recycling if more than 2 seconds delay occurs between the automatic demand for recycle and its commencement. It shall be necessary for the operator to reset the controls before the machine will restart. Other equivalent means may be used that will prevent recycling until the machine is cleared if the intent of this subrule is met.

(6) A safety interlock, exposed to contact, shall be guarded against accidental actuation.

#### R 408.14527 **Rescinded.** ~~Lubrication.~~

~~Rule 4527. Machine lubrication shall be accomplished by 1 of the following:~~

~~(a) Scheduling when the machine can be shut off and locked out.~~

~~(b) An automatic pressure or gravity feed system.~~

~~(c) An extension pipe leading to an area outside of guards or away from any hazard.~~

~~(d) Other means of lubrication which offer equivalent or greater safety than subdivision (a), (b), or (c).~~

#### R 408.14555 Sprue cutting machines.

Rule 4555. A sprue cutting machine shall be equipped with a point of operation guard or point of operation device as prescribed in **General Industry Safety Standard Part 23 “Hydraulic Power Presses,” as referenced in R 408.14502.** ~~the general industry safety standard, Part 23. ‘Hydraulic Power Presses,’ R 408.12301 to R 408.12371 of the Michigan Administrative Code.~~

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**ADMINISTRATIVE RULES**

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

PUBLIC SERVICE COMMISSION

EMERGENCY 9-1-1 SERVICES **MULTILINE TELEPHONE SYSTEMS**

**Multiline Telephone Systems**

Proposed November 21, 2014

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the public service commission by sections 405 and 413 of 1986 PA 32, MCL 484.1405 and 484.1413)

R 484.903 of the Michigan Administrative Code is amended as follows:

R 484.903 Multiline telephone system operator responsibilities.

Rule 3. (1) The MLTS operator shall assure that the multiline telephone system is capable of routing 9-1-1 calls to the 9-1-1 network, and answered by a primary PSAP, in a manner that the calls result in accurate ALI and ANI that can be verified in the 9-1-1 location database and include the specific location of the communications device.

(2) For a building having its own street address and containing an occupied area of ~~40,000 square feet or less~~ **more than 7,000 square feet**, all located on a single floor and on a single contiguous property, the MLTS operator shall identify the specific location of each communications device, including the street address.

(3) For a building having its own street address and containing an occupied area of more than ~~40,000~~ **7,000** square feet on multiple floors, the MLTS operator shall identify the specific location of each communications device including the street address and building floor.

(4) For separate buildings, using 1 MLTS, containing a total occupied area ~~between 7,000 square feet and 40,000~~ **of more than 7,000** square feet on multiple floors and on a single contiguous property having a common public street address, the MLTS operator shall identify the specific location of each communications device in each building, including the street address, building floor, and any unique building identifier, if applicable.

(5) For separate buildings, using 1 MLTS, containing an occupied area of more than ~~40,000~~ **7,000** square feet, all located on a single floor and on a single contiguous property and having a common public street address, the MLTS operator shall identify the specific location of each communications device in each building, in addition to the street address.

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**NOTICE OF PUBLIC HEARING**

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**STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

**NOTICE OF HEARING  
REGARDING THE REVISION OF AN ADMINISTRATIVE RULE  
GOVERNING MULTILINE TELEPHONE SYSTEMS  
CASE NO. U-17721; SOAHR #2014-135**

- The Michigan Public Service Commission is considering revising R 484.903, a rule governing the responsibilities of multiline telephone system operators for the installation of equipment and software necessary to provide specific location information for a 9-1-1 call. The Commission will hold a public hearing to solicit comments from anyone who wishes to comment on the proposed revision. The revision is proposed to take effect immediately upon filing with the Secretary of State.
- The information below describes how a person may participate in this case.
- You may call or write the Michigan Public Service Commission, 7109 W. Saginaw, Lansing, MI 48917, (800) 292-9555, for a free copy of the proposed rule. Any person may review the rule on the Commission's E-Docket Website at [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets). The rule is published in the January 1, 2015 issue of the Michigan Register under ORR #2014-135, and may also be accessed at the ORR website, [www.michigan.gov/orr](http://www.michigan.gov/orr), under "Recent and Pending Rule Changes."
- The public hearing will be held:

**DATE:** February 12, 2015

**TIME:** 9:00 a.m.

**LOCATION:** Public Service Commission  
7109 W. Saginaw  
Lansing, Michigan

**PARTICIPATION:** Any interested person may attend and participate.  
The hearing site is accessible, including handicapped parking.  
People needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 284-8090 at least a week in advance to request mobility, visual, hearing or other assistance.

The proposed revised rule will govern operators of multiline telephone systems regarding the installation of equipment and software necessary to provide specific location information for a 9-1-1 call. The hearing will be for the purpose of providing an opportunity for all interested persons to present statements, views, data, questions, or arguments concerning the proposed revision. The public hearing will continue until all parties present have had a reasonable opportunity to present statements regarding the proposed rule. Persons presenting statements may be asked questions by the Commission and its Staff, as well as by the presiding officer. Statements may be limited in duration by the presiding officer in order to ensure that all interested parties have an opportunity to participate in the proceedings.

Written and electronic comments may be filed with the Commission and must be received no later than 5:00 p.m. on March 5, 2015. Written comments should be sent to the: Executive Secretary, Michigan Public Service Commission, 7109 W. Saginaw, Lansing, MI 48917. Electronic comments may be e-mailed to [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). Comments may also be submitted electronically through the Commission's E-Dockets Website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets). Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by e-mail at [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). All information submitted to the Commission in this matter will become public information available on the Commission's website and subject to disclosure. All comments should reference Case No. U-17721.

Jurisdiction is pursuant to 1986 PA 32, sections 405 and 413, MCL 484.1405 and 484.1413; and the Commission's Rules of Practice and Procedure, 1999 AC, R 460.17101 *et seq.*

December 10, 2014  
Lansing, Michigan

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**OPINIONS OF THE  
ATTORNEY GENERAL**

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*MCL 14.32 states in part:*

*“It shall be the duty of the attorney general, when required, to give his opinion upon all questions of law submitted to him by the legislature, or by either branch thereof, or by the governor, auditor general, treasurer or any other state officer”*

*MCL 24.208 states in part:*

*“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\*       \*       \*

(j) Attorney general opinions. ”

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**OPINIONS OF THE ATTORNEY GENERAL**

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STATE OF MICHIGAN

BILL SCHUETTE, ATTORNEY GENERAL

DOWNTOWN DEVELOPMENT  
AUTHORITY ACT:

Use of tax revenue and public money for  
development.

MICHIGAN STRATEGIC FUND ACT:

CONST 1963, ART 9, § 11:

2012 PA 396, which amended the Downtown Development Authority Act, 1975 PA 197, MCL 125.1651 *et seq.*, to allow the capture of State Education Tax Act, MCL 211.901 *et seq.*, revenues to pay for costs associated with a “catalyst development project,” MCL 125.1651(cc)(vi), does not result in an unconstitutional diversion of funds from the State School Aid Fund established by Const 1963, art 9, § 11.

The Michigan Strategic Fund’s proposal to provide funds from the Michigan Community Revitalization Program for the purpose of assisting in the demolition of the Joe Louis Arena after completion of the new arena at the Detroit Events Center does not violate section 88c(3)(a), MCL 125.2088c(3)(a), of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2001 *et seq.*, which section prohibits the use of such funds for the development of a stadium or arena for use by a professional sports team.

Opinion No. 7280

December 10, 2014

The Honorable Rose Mary C. Robinson  
State Representative  
The Capitol  
Lansing, MI 48909

You first ask whether the enactment of 2012 PA 396, which amended the Downtown Development Authority Act (DDA Act), 1975 PA 197, MCL 125.1651 *et seq.*, led to an unconstitutional diversion of school aid funds in violation of Const 1963, art 9, § 11.

Article 9, § 11 of the Michigan Constitution established a State School Aid Fund funded by various tax revenues, and provides in part:

There shall be established a state school aid fund which *shall be used exclusively* for aid to school districts, higher education, and school employees' retirement systems as provided by law. Sixty percent of all taxes imposed at a rate of 4% on retailers on taxable sales at retail of tangible personal property, 100% of the proceeds of the sales and use taxes imposed at the additional rate of 2% provided for in section 8 of this article, and *other tax revenues provided by law, shall be dedicated* to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law. [Emphasis added.]

Article 9, § 11, in addition to mandating that certain tax revenues be dedicated to the School Aid Fund, authorizes the Legislature to provide by law for other tax revenues to be collected and dedicated to the School Aid Fund. The State Education Tax Act, MCL 211.901 *et seq.*, is one such tax. The State education tax is levied on all property not exempt by law from ad valorem property taxes or that is not otherwise exempt. MCL 211.903. Tax revenues collected at the local level under the State education tax are generally credited to the State School Aid Fund. MCL 211.905.

The DDA Act was enacted to provide a tool to aid municipalities in correcting or preventing property value deterioration of business districts, thereby benefitting the economic growth of a designated development area. See MCL 125.1651a(a) through (h). The DDA Act provides for the establishment of downtown development authorities (DDAs) by cities, villages, and townships, and, *inter alia*, authorizes the levy and collection of taxes for DDA purposes and the use of tax increment financing (TIF) to finance development activities. After a DDA is established, it may “capture” all or a portion of ad valorem taxes assessed against property by the municipality and other taxing authorities (including certain specific taxes) associated with the increase in the assessed or taxable value of properties in the district, realized since the district's creation. MCL 125.1651a.<sup>1</sup>

One of the taxes subject to capture by a DDA is the State education tax. Public Act 280 of 1994, however, amended the DDA Act to limit the capture of school taxes to amounts required to pay “eligible

advances, eligible obligations, and *other protected obligations*” as defined by the DDA Act. MCL 125.1651(cc)(ii) (emphasis added). Public Act 396 of 2012 amended the DDA Act to define “other protected obligations” to include an “obligation incurred after July 31, 2012 by an authority, municipality, or other governmental unit to pay for costs associated with *a catalyst development project*.” MCL 125.1651(w)(ix) (emphasis added).<sup>2</sup> At the same time, the DDA Act was amended to include school taxes in the definition of tax increment revenues that could be captured, MCL 125.1651(cc)(vi),<sup>3</sup> and pledged, MCL 125.1664(6),<sup>4</sup> for the financing of a catalyst development project. These amendments had the effect of allowing a DDA to include the capture of increased school tax revenues to, in whole or in part, publicly finance a portion of the costs of a “catalyst development project.”<sup>5</sup>

Not long after the enactment of the DDA Act in 1975, the Detroit City Council created the City of Detroit Downtown Development Authority (Detroit DDA) and established a downtown district as authorized by the DDA Act. Thereafter, the Detroit DDA established a development area and adopted a

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<sup>1</sup> In addition to DDAs, Tax Increment Finance Authorities, Local Development Finance Authorities, Brownfield Redevelopment Authorities, and Corridor Improvement Authorities, all have the ability to finance their operations through the capture of taxes.

<sup>2</sup> The DDA Act defines a “catalyst development project” as “[a] project that is located in a municipality with a population greater than 600,000, is designated by the authority as a catalyst development project, and is expected to result in at least \$300,000,000 of capital investment.” MCL 125.1651(g).

<sup>3</sup> MCL 125.1651(cc)(vi) of the DDA Act provides:

Tax increment revenues include ad valorem property taxes and specific local taxes attributable to the levy by this state under the state education tax act, 1993 PA 331, MCL 211.201 to 211.906, and by local or intermediate school districts which were levied on or after July 1, 2010, upon the captured assessed value of real and personal property in the development area of an authority established in a city with a population of 600,000 or more to pay for, or reimburse an advance for, costs associated with the land acquisition, preliminary site work, and construction of a catalyst development project.

<sup>4</sup> MCL 125.1664(6) of the DDA Act provides that “[u]nder a tax increment financing plan that includes a catalyst development project, an authority may pledge available tax increment revenues of the authority as security for any bonds issued to develop and construct a catalyst development project.”

<sup>5</sup> Because state school aid is calculated in part based on the estimated receipt of certain local taxes, school districts can seek additional state school aid based on tax revenue intercepted as a result of TIF captures that were not already accounted for in the original calculation. See generally, the State School Aid Act, 1979 PA 94.



tax increment financing plan (TIF Plan) and development plan (Plan) for that development area.<sup>1</sup> Since its creation, the Detroit DDA has or expects to capture over \$1.5 billion dollars in incremental tax revenues to aid in the financing of almost \$6 billion dollars of development projects.

As authorized by 2012 PA 396, the Detroit DDA initiated a catalyst development project, commonly known as the Detroit Events Center, which will house the Detroit Red Wings National Hockey League team and provide a venue for other year-round events. To move forward with the catalyst development project, the Detroit DDA expanded its development area to include the Events Center and surrounding area to be developed, by restating its Plan to include such additions. City of Detroit officials approved these amendments by resolution. Pursuant to the 2012 amendments to the DDA Act, the Detroit DDA is authorized to capture increased school tax revenues to finance costs associated with its catalyst development project—the Detroit Events Center.

The history of the DDA Act demonstrates that increased school taxes are subject to capture under certain circumstances. This capture occurs before the State education tax is transferred to the School Aid Fund or other school taxes are transferred to local or intermediate school districts. No money is thus transferred *out* of the School Aid Fund for DDA projects, including the Detroit Events Center. Rather, pursuant to the statutory framework of the DDA Act, those captured school taxes were never dedicated to the School Aid Fund or local or intermediate school districts. Indeed, pursuant to the Detroit DDA's TIF Plan, it has for decades captured incremental tax revenues to finance certain previous economic development projects.

Although there has been no challenge to the tax captures provided in the DDA Act since its enactment, the Michigan Supreme Court upheld the constitutionality of tax increment financing under

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<sup>1</sup> In addition to the 2013 expansion to the development area to include the area surrounding the planned Detroit Events Center, the Detroit DDA had, in fact, previously amended this same development area several other times, consistent with

the Local Development Financing Act (LDFA), 1986 PA 281, MCL 125.2151 *et seq.*, an act that is comparable to the DDA Act, in *Advisory Opinion on Constitutionality of 1986 PA 281*, 430 Mich 93; 422 NW2d 186 (1988). There the Court addressed whether the LDFA’s tax increment financing provisions unconstitutionally diverted tax revenues from taxing entities in violation of Const 1963, art 9, § 6, which limits the rate of general ad valorem taxes. The Court first stated that “[t]he statute is vested with a presumption of constitutionality, and it is not our role to second-guess the Legislature regarding the wisdom of tax increment financing from a policy perspective.” *Advisory Opinion on Constitutionality of 1986 PA 281*, 430 Mich at 110 (footnote omitted). The Court then noted the plain language of art 9, § 6, and held that the LDFA’s financing provisions did not violate the constitution because art 9, § 6 did not proscribe the *use* of tax revenue but limited the *amount* that could be levied. Thus, the LDFA’s tax increment financing provisions, which allowed the captured revenue to be used for a different, designated purpose, did not violate the constitution.

Consistent with the Supreme Court’s opinion, the Attorney General in OAG, 1991-1992, No 6687, p 60, (July 12, 1991), opined that voted millages for specific purposes that are levied on the captured assessed value must be transmitted to the tax increment authorities involved – in that instance, DDAs and Tax Increment Finance Authorities, 1980 PA 450, MCL 125.1801 *et seq.* The Attorney General reasoned that the statutes did not provide an exception to the tax capture, and therefore, “there is no room for judicial construction.” OAG No 6687 at p 61. The Legislature has the power “to alter the purposes for which tax revenues are expended, and . . . the Legislature has done so.” OAG No 6687 at p 62, citing *Advisory Opinion on Constitutionality of 1986 PA 281*, 430 Mich at 111-115.

Here, art 9, § 11 simply authorizes the Legislature to “provide[ ] by law” for “other tax revenues” to be dedicated to the School Aid Fund, which the Legislature did in enacting the State education tax.

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section 3(5), MCL 125.1653(5), of the DDA Act.

The constitution, however, does not prohibit the Legislature from subsequently determining that State education tax revenues may be subject to capture and enacting legislation to authorize the capture. Such a conclusion would require reading additional words into art 9, § 11.

It is my opinion, therefore, that 2012 PA 396, which amended the DDA Act to allow the capture of State education taxes to pay for costs associated with a catalyst development project, does not result in an unconstitutional diversion of funds from the State School Aid Fund established by Const 1963, art 9, § 11.<sup>1</sup>

You next ask whether the Michigan Strategic Fund’s planned \$6,000,000 “other economic benefit” to aid in the demolition of the Joe Louis Arena in the City of Detroit violates section 88c(3)(a), MCL 125.2088c(3)(a), of the Michigan Strategic Fund Act (MSF Act), 1984 PA 270, MCL 125.2001 *et seq.*

In connection with the City of Detroit’s emergence from bankruptcy, the City of Detroit and the Detroit DDA also seek to redevelop the site of the municipally-owned Joe Louis Arena—the Joe Louis Arena Redevelopment Project. The Michigan Strategic Fund (Fund) agreed to support a portion of the cost of the redevelopment through its existing Michigan Community Revitalization Program (Program), provided all of the statutory requirements for such program and the Fund’s additional conditions were met. The amount of support provided through the Program would be approximately \$6,000,000. The use of these funds would be limited to assisting in the demolition of the Joe Louis Arena.

Section 88c(3) of the MSF Act provides, in part:

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<sup>1</sup> Your request references \$314 million purportedly diverted from the State School Aid Fund as a result of 2012 PA 396. However, it is unclear to this office from what source that figure is derived. Moreover, as explained, there is no unconstitutional diversion from the State School Aid Fund.

(3) The fund board shall ensure that a recipient of money under sections 88d, 88e, 88f, 88g, 88q, and 88r and *chapter 8C* agrees as a condition of receiving the money *not* to use the money for any of the following:


(a) The development of a stadium or arena for use by a professional sports team.  
[Emphasis added.]

The Program from which the money will be utilized falls under Chapter 8C, MCL 125.2090 through 125.2090d, of the MSF Act. Thus, the money is subject to the restriction that it not be used for the “development of a stadium or arena for use by a professional sports team.”

As noted above, the Fund has committed the Program’s monies to be used for the *demolition* of Joe Louis Arena and to prepare that site for redevelopment through the Joe Louis Arena Redevelopment Project. Notably, the new Detroit Events Center is not being constructed on the Joe Louis Arena site, but rather at a site over a mile away from the existing arena. Chapter 8C of the MSF Act provides that “*demolition*, construction, alteration, rehabilitation, or improvement of buildings” is an “eligible investment,” MCL 125.2090a(d)(i), for which Program “incentives” (money) may be used. MCL 125.2090b(1) and (4). Program money has not been pledged for the development of the separately located Detroit Events Center, which clearly is the “development of a stadium or arena for use by a professional sports team.” Under these circumstances, the Fund’s committal of Program money for the demolition of Joe Louis Arena does not violate section 88c(3)(a) of the MSF Act.

It is my opinion, therefore, that the Michigan Strategic Fund’s proposal to provide funds from the Michigan Community Revitalization Program for the purpose of assisting in the *demolition* of the Joe Louis Area after completion of the new arena at the Detroit Events Center does not violate section

88c(3)(a) of the MSF Act, which prohibits the use of such funds for the *development* of a stadium or arena for use by a professional sports team.<sup>1</sup>

  
BILL SCHUETTE  
Attorney General

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<sup>1</sup> This opinion does not supplant or replace any approving and supplemental bond opinions issued by the Department of Attorney General for purposes of representing the Michigan Strategic Fund in a proposed bond issuance for the benefit of the Detroit Events Center.

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**EXECUTIVE ORDERS  
AND  
EXECUTIVE REORGANIZATION ORDERS**

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*MCL 24.208 states in part:*

*“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

*(a) Executive orders and executive reorganization orders.”*

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**EXECUTIVE ORDERS**

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**EXECUTIVE ORDER  
No. 2014 - 11**

**MICHIGAN FOOD POLICY COUNCIL**

**MICHIGAN DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT**

**RESCISSION OF EXECUTIVE ORDER 2005-13**

WHEREAS, Executive Order 2005-13 created the Michigan Food Policy Council; and

WHEREAS, the Council was created as an advisory board to make recommendations to the Michigan Department of Agriculture and Rural Development (“Department”) and the Governor to enhance Michigan’s food and agriculture sector and foster a healthy and available food supply for all Michigan residents; and

WHEREAS, in total, the Council has made 23 recommendations over seven years. During this period, academic, government, nonprofit, and private entities made significant progress on increasing the impact of Michigan’s food and agriculture sector on the state’s economy and fostering a healthy and available food supply for all Michigan residents; and

WHEREAS, efforts to implement the recommendations of the Council and make measureable improvement at the local level are ongoing within the academic, government, nonprofit, and private sectors; and

WHEREAS, the Department will continue to serve as a convener for those interested in food policy; and

WHEREAS, consolidating the Council’s efforts within the Department and allowing the Department to implement the Council’s recommendations will better serve the Council’s original mission;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the powers and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

Executive Order 2005-13 is rescinded and the Michigan Food Policy Council is abolished.

This Order shall become effective upon filing.

Given under my hand and the Great  
Seal of the State of Michigan this  
\_\_\_\_\_ day of \_\_\_\_\_ in the  
Year of Our Lord, Two Thousand and  
Fourteen

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RICHARD D. SNYDER  
GOVERNOR

BY THE GOVERNOR:

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SECRETARY OF STATE



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**MICHIGAN ADMINISTRATIVE CODE TABLE**  
**(2014 SESSION)**

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*MCL 24.208 states in part:*

*“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\*       \*       \*

*(i) Other official information considered necessary or appropriate by the Office of Regulatory Reform.”*

*The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).*

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**MICHIGAN ADMINISTRATIVE CODE TABLE**  
**(2014 RULE FILINGS)**

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R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue
Rule 1	A	7	29.2928	A	6	29.4753	A	19
Rule 2	A	7	29.2929	A	6	29.4754	A	19
Rule 3	A	7	29.4601	R	19	29.4755	A	19
Rule 4	A	7	29.4602	R	19	29.5101	R	19
Rule 5	A	7	29.4621	R	19	29.5102	R	19
Rule 6	A	7	29.4622	R	19	29.5103	R	19
Rule 7	A	7	29.4623	R	19	29.5104	R	19
Rule 8	A	7	29.4624	R	19	29.5105	R	19
Rule 9	A	7	29.4625	R	19	29.5201	R	19
Rule 10	A	7	29.4626	R	19	29.5202	R	19
Rule 11	A	7	29.4627	R	19	29.5203	R	19
Rule 12	A	7	29.4628	R	19	29.5204	R	19
Rule 13	A	7	29.4629	R	19	29.5205	R	19
Rule 14	A	7	29.4630	R	19	29.5206	R	19
Rule 15	A	7	29.4631	R	19	29.5207	R	19
Rule 16	A	7	29.4632	R	19	29.5208	R	19
Rule 17	A	7	29.4633	R	19	29.5209	R	19
Rule 18	A	7	29.4634	R	19	29.5210	R	19
Rule 19	A	7	29.4635	R	19	29.5211	R	19
Rule 20	A	7	29.4636	R	19	29.5212	R	19
Rule 21	A	7	29.4637	R	19	29.5213	R	19
Rule 22	A	7	29.4638	R	19	29.5214	R	19
28.4001	R	19	29.4639	R	19	29.5215	R	19
28.4002	R	19	29.4640	R	19	29.5216	R	19
28.4003	R	19	29.4641	R	19	29.5217	R	19
28.4004	R	19	29.4642	R	19	29.5218	R	19
28.4005	R	19	29.4643	R	19	29.5219	R	19
28.4006	R	19	29.4644	R	19	29.5220	R	19
28.4007	R	19	29.4646	R	19	29.5221	R	19
29.2904	R	6	29.4647	R	19	29.5222	R	19
29.2905	*	6	29.4648	R	19	29.5223	R	19
29.2906	*	6	29.4649	R	19	29.5224	R	19
29.2907	*	6	29.4650	R	19	29.5225	R	19
29.2909	*	6	29.4651	R	19	29.5226	R	19
29.2913	*	6	29.4652	R	19	29.5227	R	19
29.2914	*	6	29.4701	A	19	29.5228	R	19
29.2915	*	6	29.4702	A	19	29.5229	R	19
29.2920	*	6	29.4751	A	19	29.5230	R	19
29.2927	A	6	29.4752	A	19	29.5231	R	19

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue
29.5232	R	19	29.5316	R	19	29.5414	R	19
29.5233	R	19	29.5317	R	19	29.5415	R	19
29.5234	R	19	29.5318	R	19	29.5416	R	19
29.5235	R	19	29.5319	R	19	29.5417	R	19
29.5236	R	19	29.5320	R	19	29.5418	R	19
29.5237	R	19	29.5321	R	19	29.5419	R	19
29.5238	R	19	29.5322	R	19	29.5501	R	19
29.5239	R	19	29.5323	R	19	29.5502	R	19
29.5240	R	19	29.5324	R	19	29.5503	R	19
29.5241	R	19	29.5325	R	19	29.5504	R	19
29.5242	R	19	29.5326	R	19	29.5505	R	19
29.5243	R	19	29.5327	R	19	29.5506	R	19
29.5244	R	19	29.5328	R	19	29.5507	R	19
29.5245	R	19	29.5329	R	19	29.5508	R	19
29.5246	R	19	29.5330	R	19	29.5509	R	19
29.5247	R	19	29.5331	R	19	29.5510	R	19
29.5248	R	19	29.5332	R	19	29.5511	R	19
29.5249	R	19	29.5333	R	19	29.5512	R	19
29.5250	R	19	29.5334	R	19	29.5513	R	19
29.5251	R	19	29.5335	R	19	29.5514	R	19
29.5252	R	19	29.5336	R	19	29.5515	R	19
29.5253	R	19	29.5337	R	19	29.5516	R	19
29.5254	R	19	29.5338	R	19	29.5601	A	19
29.5255	R	19	29.5339	R	19	29.5602	A	19
29.5301	R	19	29.5340	R	19	29.5603	A	19
29.5302	R	19	29.5341	R	19	29.5604	A	19
29.5303	R	19	29.5401	R	19	29.5605	A	19
29.5304	R	19	29.5402	R	19	29.5651	A	19
29.5305	R	19	29.5403	R	19	29.5652	A	19
29.5306	R	19	29.5404	R	19	29.5653	A	19
29.5307	R	19	29.5405	R	19	29.5654	A	19
29.5308	R	19	29.5406	R	19	29.5655	A	19
29.5309	R	19	29.5407	R	19	29.5656	A	19
29.5310	R	19	29.5408	R	19	29.5657	A	19
29.5311	R	19	29.5409	R	19	29.5658	A	19
29.5312	R	19	29.5410	R	19	29.5659	A	19
29.5313	R	19	29.5411	R	19	29.5660	A	19
29.5314	R	19	29.5412	R	19	29.5661	A	19
29.5315	R	19	29.5413	R	19	29.5662	A	19

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue
29.5663	A	19	29.5913	A	19	29.6068	R	19
29.5564	A	19	29.5914	A	19	29.6069	R	19
29.5701	A	19	29.5915	A	19	29.6070	R	19
29.5702	A	19	29.5916	A	19	29.6071	R	19
29.5703	A	19	29.5917	A	19	29.6072	R	19
29.5704	A	19	29.6001	R	19	29.6073	R	19
29.5705	A	19	29.6002	R	19	29.6074	R	19
29.5706	A	19	29.6036	R	19	29.6075	R	19
29.5707	A	19	29.6037	R	19	29.6076	R	19
29.5708	A	19	29.6038	R	19	29.6077	R	19
29.5709	A	19	29.6039	R	19	29.6078	R	19
29.5801	A	19	29.6040	R	19	29.6079	R	19
29.5802	A	19	29.6041	R	19	29.6080	R	19
29.5803	A	19	29.6042	R	19	29.6081	R	19
29.5804	A	19	29.6043	R	19	29.6082	R	19
29.5805	A	19	29.6044	R	19	29.6083	R	19
29.5806	A	19	29.6045	R	19	29.6084	R	19
29.5807	A	19	29.6046	R	19	29.6085	R	19
29.5808	A	19	29.6047	R	19	29.6086	R	19
29.5809	A	19	29.6048	R	19	29.6087	R	19
29.5810	A	19	29.6049	R	19	29.6088	R	19
29.5811	A	19	29.6050	R	19	29.6089	R	19
29.5812	A	19	29.6051	R	19	29.6090	R	19
29.5813	A	19	29.6052	R	19	29.6091	R	19
29.5814	A	19	29.6053	R	19	29.6092	R	19
29.5815	A	19	29.6054	R	19	29.6093	R	19
29.5816	A	19	29.6055	R	19	29.6094	R	19
29.5901	A	19	29.6056	R	19	29.6095	R	19
29.5902	A	19	29.6057	R	19	29.6096	R	19
29.5903	A	19	29.6058	R	19	29.6097	R	19
29.5904	A	19	29.6059	R	19	29.6073	R	19
29.5905	A	19	29.6060	R	19	29.6101	A	19
29.5906	A	19	29.6061	R	19	29.6102	A	19
29.5907	A	19	29.6062	R	19	29.6151	A	19
29.5908	A	19	29.6063	R	19	29.6152	A	19
29.5909	A	19	29.6064	R	19	29.6153	A	19
29.5910	A	19	29.6065	R	19	29.6154	A	19
29.5911	A	19	29.6066	R	19	29.6155	A	19
29.5912	A	19	29.6067	R	19	32.1	R	1

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue
32.2	R	1	281.3105	R	23	285.150.43	R	15
32.3	R	1	281.3106	R	23	285.150.44	R	15
32.4	R	1	281.3201	R	23	285.150.45	R	15
32.5	R	1	281.3301	R	23	285.150.46	R	15
32.6	R	1	281.3401	R	23	285.150.47	R	15
32.7	R	1	281.3502	R	23	285.150.48	R	15
32.101	R	1	281.3101	*	23	285.150.49	R	15
32.102	R	1	281.3113	*	23	285.150.50	R	15
32.103	R	1	281.11010	*	5	285.150.51	R	15
32.104	R	1	285.113.1	R	9	285.150.52	R	15
32.105	R	1	285.119.1	R	20	285.150.53	R	15
32.106	R	1	285.136.1	R	20	285.150.54	R	15
32.107	R	1	285.149.1	R	20	285.150.55	R	15
32.151	R	1	285.149.2	R	20	285.150.56	R	15
32.172	*	1	285.149.3	R	20	285.150.57	R	15
35.631	R	5	285.149.4	R	20	285.150.58	R	15
35.632	R	5	285.150.1	R	15	285.2101	R	17
35.633	R	5	285.150.3	R	15	285.2102	R	17
35.634	R	5	285.150.5	R	15	285.2103	R	17
35.639	R	5	285.150.21	R	15	285.2104	R	17
125.501	R	13	285.150.22	R	15	285.2105	R	17
125.502	R	13	285.150.23	R	15	285.2106	R	17
125.503	R	13	285.150.24	R	15	285.2107	R	17
125.504	R	13	285.150.25	R	15	285.2108	R	17
125.505	R	13	285.150.26	R	15	285.2109	R	17
125.506	R	13	285.150.27	R	15	285.2110	R	17
125.507	R	13	285.150.28	R	15	285.2111	R	17
125.508	R	13	285.150.29	R	15	285.2112	R	17
125.509	R	13	285.150.31	R	15	285.2113	R	17
125.510	R	13	285.150.32	R	15	285.2201	R	17
125.511	R	13	285.150.33	R	15	285.2202	R	17
125.512	R	13	285.150.34	R	15	285.2203	R	17
125.513	R	13	285.150.35	R	15	285.2204	R	17
257.1551	R	21	285.150.36	R	15	285.2205	R	17
281.763.67	R	3	285.150.37	R	15	285.2301	R	17
281.1001	*	12	285.150.38	R	15	285.2302	R	17
281.1031	*	12	285.150.39	R	15	285.2303	R	17
281.1033	*	12	285.150.41	R	15	285.2304	R	17
281.1034	*	12	285.150.42	R	15	285.2305	R	17

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue
285.2306	R	17	318.122	*	23	325.3476	R	1
299.921	*	2	318.143	*	23	325.9061	R	16
299.922	*	2	318.145	*	23	325.9062	R	16
299.923	*	2	318.146	*	23	325.9063	R	16
299.924	*	2	318.201	R	9	325.9064	R	16
299.926	*	2	318.202	R	9	325.9065	R	16
299.927	*	2	318.203	R	9	325.9066	R	16
299.928	*	2	318.204	R	9	325.9067	R	16
299.929	*	2	318.205	R	9	325.9101	*	3
299.930	*	2	318.206	R	9	325.9103	*	3
299.931	*	2	318.207	R	9	325.9105	*	3
299.932	*	2	318.208	R	9	325.9109	*	3
299.925	R	2	318.211	R	9	325.9121	*	3
299.2601	*	23	324.91	A	2	325.9123	*	3
299.2603	*	23	324.92	A	2	325.9125	*	3
299.2603a	*	23	324.93	A	2	325.9201	*	3
299.2604	*	23	325.178	R	24	325.9204	*	3
299.2605	*	23	325.171	*	24	325.9205	*	3
299.2605a	*	23	325.173	*	24	325.9206	*	3
299.2606	*	23	325.174	*	24	325.9207	*	3
299.2608	*	23	325.175	*	24	325.9208	*	3
299.2610	*	23	325.176	*	24	325.9215	*	3
299.2611	*	23	325.179a	*	24	325.9227	*	3
299.2607	R	23	325.180	*	24	325.9229	*	3
299.2612	R	23	325.181	*	24	325.9301	*	3
299.2605b	A	23	325.921	R	16	325.9303	*	3
299.4113	R	13	325.922	R	16	325.9401	*	3
299.4114	R	13	325.923	R	16	325.9403	*	3
299.4115	R	13	325.924	R	16	325.9413	*	3
299.4116	R	13	325.925	R	16	325.9415	*	3
299.4118	R	13	325.926	R	16	325.9417	*	3
299.4119	R	13	325.3452	*	1	325.9419	*	3
299.4122	R	13	325.3453	*	1	325.9203	R	3
299.4123	R	13	325.3457	*	1	325.9501	R	3
299.4124	R	13	325.3466	*	1	325.9503	R	3
299.4125	R	13	325.3472	*	1	325.9509	R	3
299.4126	R	13	325.3472a	*	1	325.9517	R	3
299.4127	R	13	325.3475	*	1	325.9525	R	3
318.111	*	23	325.3451a	A	1	325.9210	A	3

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue
325.9228	A	3	325.21601	*	20	325.51474b	A	23
325.9551	A	3	325.21602	*	20	325.51474c	A	23
325.9552	A	3	325.21701	*	20	325.51474d	A	23
325.9553	A	3	325.21702	*	20	325.51474e	A	23
325.9505	R	3	325.21703	*	20	325.51472	R	23
325.9507	R	3	325.21704	*	20	325.51475	R	23
325.9511	R	3	325.21705	*	20	325.51476	R	23
325.9513	R	3	325.22112	*	23	325.51477	R	23
325.9515	R	3	325.47201	*	15	325.51602	*	7
325.9519	R	3	4401	R	15	325.51605	*	7
325.9521	R	3	325.50091	*	1	325.51606	*	7
325.9523	R	3	325.50092	*	1	325.51609	*	7
325.9571	A	3	325.50093	A	1	325.51610	*	7
325.9572	A	3	325.51451	*	23	325.51611	*	7
325.9573	A	3	325.51452	*	23	325.51614	*	7
325.9574	A	3	325.51454	*	23	325.51616	*	7
325.9575	A	3	325.51457	*	23	325.51618	*	7
325.9576	A	3	325.51458	*	23	325.51619	*	7
325.9577	A	3	325.51459	*	23	325.51622	*	7
325.9578	A	3	325.51460	*	23	325.51624	*	7
325.9579	A	3	325.51461	*	23	325.51625	*	7
325.9580	A	3	325.51462	*	23	325.51626	*	7
325.9581	A	3	325.51463	*	23	325.51601a	A	7
325.9582	A	3	325.51464	*	23	325.51611a	A	7
325.13206	R	20	325.51465	*	23	325.51614a	A	7
325.20101	*	20	325.51467	*	23	325.51623a	A	7
325.20102	*	20	325.51468	*	23	325.51623b	A	7
325.20103	*	20	325.51469	*	23	325.51604	R	7
325.20108	*	20	325.51470	*	23	325.51623	R	7
325.20115	*	20	325.51473	*	23	325.51628	R	7
325.20215	*	20	325.51474	*	23	325.51991	*	3
325.21303	*	20	325.51451a	A	23	325.51992	*	3
325.21317	*	20	325.51461a	A	23	325.51993	A	3
325.21501	*	20	325.51463a	A	23	325.52102	*	6
325.21504	*	20	325.51472a	A	23	325.52103	*	6
325.21508	*	20	325.51472b	A	23	325.52104	*	6
325.21509	*	20	325.51472c	A	23	325.52109	*	6
325.21510	*	20	325.51472d	A	23	325.52113	*	6
325.21511	*	20	325.51474a	A	23	325.52114	*	6

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue
325.52116	*	6	325.62109	A	21	325.77004	A	2
325.52117	*	6	325.62110	A	21	325.77101	*	15
325.52118	*	6	325.62115	A	21	325.77102	*	15
325.52123	*	6	325.62116	A	21	325.77105	*	15
325.52124	*	6	325.62117	A	21	325.77106	*	15
325.52125	*	6	325.62118	A	21	325.77107	*	15
325.52127	*	6	325.62119	A	21	325.77108	*	15
325.52129	*	6	325.62120	A	21	325.77109	*	15
325.52130	*	6	325.62125	A	21	325.77111	*	15
325.52131	*	6	325.62126	A	21	325.77112	*	15
325.52135	*	6	OHS 6310	R	21	325.77101a	A	15
325.52102a	A	6	OHS 6402	R	21	325.77105a	A	15
325.52136	R	6	325.70002	*	20	325.77105b	A	15
325.52137	R	6	325.70003	*	20	325.77105c	A	15
325.60001	*	3	325.70004	*	20	325.77105d	A	15
325.60002	*	3	325.70007	*	20	325.77105e	A	15
325.60003	*	3	325.70008	*	20	325.771105f	A	15
325.60005	*	3	325.70009	*	20	325.77106a	A	15
325.60006	*	3	325.70011	*	20	325.77109a	A	15
325.60008	*	3	325.70013	*	20	325.77109b	A	15
325.60009	*	3	325.70014	*	20	325.77109c	A	15
325.60010	*	3	325.70015	*	20	325.77109d	A	15
325.60011	*	3	325.70016	*	20	325.77109e	A	15
325.60002a	A	3	325.70017	*	20	325.77109f	A	15
325.60002b	A	3	325.70001a	A	20	325.77109g	A	15
325.60003a	A	3	325.70017	R	20	325.77109h	A	15
325.60008a	A	3	325.70018	R	20	325.77110a	A	15
325.60004	R	3	325.70101	*	1	325.77110b	A	15
325.60007	R	3	325.70103	*	1	325.77110c	A	15
325.60012	R	3	325.70107	*	1	325.77111a	A	15
325.60013	R	3	325.70109	*	1	325.77111b	A	15
325.60051	*	1	325.70110	*	1	325.77110	R	15
325.60052	*	1	325.70111	*	1	325.77114	R	15
325.62102	A	21	325.70102a	A	1	325.77115	R	15
325.62104	A	21	325.70113	R	1	327.41	R	20
325.62105	A	21	325.70114	R	1	327.45	R	20
325.62106	A	21	325.77001	*	2	327.71	R	20
325.62107	A	21	325.77002	*	2	327.73	R	20
325.62108	A	21	325.77003	*	2	327.75	R	20

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)



R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue
327.77	R	20	338.1191	R	11	338.1901	R	19
336.2013a	A	9	338.1192	R	11	338.1905	R	19
336.2104	*	9	338.1194	R	11	338.1908	R	19
336.2150	*	9	338.1196	R	11	338.1909	R	19
336.2151	*	9	338.1197	R	11	338.1910	R	19
336.2153	*	9	338.1197a	R	11	338.1911	R	19
336.2155	*	9	338.1198	R	11	338.1912	R	19
336.2157	*	9	338.1200	R	11	338.1913	R	19
336.2160	*	9	338.1211	A	11	338.1921	R	19
336.2170	*	9	338.1212	A	11	338.1922	R	19
336.2175	*	9	338.1213	A	11	338.2101	*	19
336.2176	*	9	338.1221	A	11	338.2102	R	19
336.2199	*	9	338.1222	A	11	338.2122	R	19
336.2158	R	9	338.1223	A	11	338.2123	R	19
336.2161	R	9	338.1223a	A	11	338.2128	R	19
336.2413	*	18	338.1224	A	11	338.2165	R	19
336.2415	*	18	338.1225	A	11	338.2139a	R	19
336.2414	R	18	338.1226	A	11	338.2141	R	19
338.497	R	20	338.1227	A	11	338.2142	R	19
338.921	*	3	338.1228	A	11	338.2143	R	19
338.922	*	3	338.1229	A	11	338.2144	R	19
338.923	*	3	338.1229a	A	11	338.2145	R	19
338.924	*	3	338.1231	A	11	338.3601	A	18
338.925	*	3	338.1232	A	11	338.3603	A	18
338.926	*	3	338.1233	A	11	338.3605	A	18
338.927	*	3	338.1233a	A	11	338.3607	A	18
338.928	*	3	338.1234	A	11	338.3609	A	18
338.929	*	3	338.1235	A	11	338.3611	A	18
338.930	*	3	338.1236	A	11	338.3613	A	18
338.931	*	3	338.1237	A	11	338.3615	A	18
338.921a	A	3	338.1238	A	11	338.3617	A	18
338.924a	A	3	338.1361	R	17	338.3619	A	18
338.924b	A	3	338.1521	*	19	338.3621	A	18
338.931a	A	3	338.1532	*	19	338.3623	A	18
338.931b	A	3	338.1534	*	19	338.3625	A	18
338.941	R	19	338.1511	R	19	338.3627	A	18
338.942	R	19	338.1521a	R	19	338.3629	A	18
338.943	R	19	338.1524	R	19	338.3631	A	18
338.944	R	19	338.1531	R	19	338.3633	A	18

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue
338.3635	A	18	338.11408	*	19	339.5021	R	19
338.3637	A	18	338.11409	*	19	339.5023	R	19
338.3639	A	18	338.11503	*	19	339.5031	R	19
338.3641	A	18	338.11505	*	19	339.5033	R	19
338.3643	A	18	338.11513	*	19	339.5035	R	19
338.3908	R	20	338.11517	*	19	339.5037	R	19
338.6101	*	6	338.11523	*	19	339.5039	R	19
338.6201	*	6	338.11701	*	19	339.6001	R	17
338.6301	*	6	338.11703	*	19	339.6003	R	17
338.6305	*	6	338.11704	*	19	339.6045	R	17
338.6308	*	6	338.11704a	*	19	339.6051	R	17
338.6309	A	6	338.11705	*	19	339.15101	*	17
338.6311	A	6	338.11402	A	19	339.15103	R	17
338.7001	*	6	338.11405b	A	19	339.15302	R	17
338.7001a	*	6	338.11405c	A	19	339.15301	*	4
338.7002	*	6	338.11410	A	19	339.16001	*	19
338.7005	A	6	338.12009	R	20	339.16002	*	19
338.9004	*	19	339.11	R	24	339.16003	R	19
338.9013	*	19	339.22	R	24	339.16024	*	4
338.9001	R	19	339.24	R	24	339.17101	*	19
338.9002	R	19	339.31	R	24	339.17301	*	4
338.9003	R	19	339.32	R	24	339.17403	*	19
338.9006	R	19	339.34	R	24	339.17103	R	19
338.9007	R	19	339.41	R	24	339.17302	R	19
338.9008	R	19	339.42	R	24	339.17404	R	19
338.9009	R	19	339.43	R	24	339.18001	R	19
338.9010	R	19	339.601	R	12	339.18007	R	19
338.9011	R	19	339.1002	*	19	339.18023	R	19
338.9012	R	19	339.1003	*	19	339.18025	R	19
338.11101	*	19	339.1001	R	19	339.18027	R	19
338.11109	R	19	339.1004	R	19	339.18031	R	19
338.11115	A	19	339.4001	R	19	339.18035	R	19
338.11120	A	19	339.4003	R	19	339.18901	*	24
338.11247	A	19	339.4005	R	19	339.18931	*	24
338.11401	A	19	339.4007	R	19	339.18941	*	24
338.11403	*	19	339.4009	R	19	339.18905	R	24
338.11404a	*	19	339.4011	R	19	339.18929	R	24
338.11405	*	19	339.5001	R	19	339.18947	R	24
338.11406	*	19	339.5005	R	19	339.19001	R	19

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue
339.19007	R	19	339.23201	R	19	390.567	R	19
339.19027	R	19	340.471	R	12	393.5001	A	11
339.19045	R	19	340.472	R	12	393.5003	A	11
339.19049	R	19	340.473	R	12	393.5004	A	11
339.20001	R	12	340.474	R	12	393.5005	A	11
339.20002	R	12	340.475	R	12	393.5021	A	11
339.20009	R	12	340.476	R	12	393.5022	A	11
339.20011	R	12	340.477	R	12	393.5023	A	11
339.20013	R	12	340.478	R	12	393.5024	A	11
339.20015	R	12	340.479	R	12	393.5025	A	11
339.20017	R	12	388.7	R	19	393.5026	A	11
339.20018	R	12	388.1	R	19	393.5027	A	11
339.20019	R	12	388.19	A	19	393.5028	A	11
339.20031	R	12	388.20	A	19	393.5029	A	11
339.20033	R	12	388.21	A	19	393.5031	A	11
339.20035	R	12	388.22	A	19	393.5032	A	11
339.20037	R	12	388.1	*	19	393.5033	A	11
339.22101	*	19	388.2	*	19	393.5041	A	11
339.22211	*	19	388.3	*	19	393.5042	A	11
339.22327	*	19	388.4	*	19	393.5045	A	11
339.22604	*	19	388.5	*	19	393.5051	A	11
339.22605	*	19	388.6	*	19	393.5052	A	11
339.22617	*	19	388.8	*	19	393.5053	A	11
339.22631	*	19	388.9	*	19	393.5054	A	11
339.22103	R	19	388.10	*	19	393.5055	A	11
339.22209	R	19	388.11	*	19	393.5056	A	11
339.22213	R	19	388.12	*	19	393.5058	A	11
339.22337	R	19	388.13	*	19	393.5061	A	11
339.22615	R	19	388.15	*	19	393.5062	A	11
339.22643	R	19	388.17	*	19	393.5063	A	11
339.22647	R	19	388.18	*	19	393.5064	A	11
339.22651	R	19	390.561	*	19	393.5070	A	11
339.22652	R	19	390.562	*	19	393.5072	A	11
339.22657	R	19	390.562a	*	19	393.5073	A	11
339.22659	R	19	390.564	*	19	393.5074	A	11
339.22665	R	19	390.569	*	19	393.5075	A	11
339.23101	*	19	390.563	R	19	393.5076	A	11
339.23102	*	19	390.564a	R	19	393.5077	A	11
339.23103	R	19	390.565	R	19	393.5081	A	11

(\* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue
393.5082	A	11	400.3601	*	11	400.9503	*	23
393.5083	A	11	400.3602	*	11	400.9504	*	23
393.5084	A	11	400.3604	*	11	400.9506	*	23
393.5085	A	11	400.3606	*	11	400.9310	A	23
393.5086	A	11	400.3607	*	11	400.9420	A	23
393.5091	A	11	400.3608	*	11	400.9199	R	23
393.5092	A	11	400.3609	*	11	400.12101	*	23
393.5093	A	11	400.3610	*	11	400.12104	*	23
393.5094	A	11	400.3611	*	11	400.12105	*	23
393.5095	A	11	400.3612	*	11	400.12203	*	23
400.907	*	11	400.9101	*	23	400.12204	*	23
400.908	*	11	400.9201	*	23	400.12205	*	23
400.3001	*	23	400.9202	*	23	400.12206	*	23
400.3005	*	23	400.9203	*	23	400.12207	*	23
400.3009	*	23	400.9205	*	23	400.12209	*	23
400.3010	*	23	400.9206	*	23	400.12212	*	23
400.3011	*	23	400.9207	*	23	400.12303	*	23
400.3014	R	23	400.9301	*	23	400.12304	*	23
400.3101	*	11	400.9306	*	23	400.12305	*	23
400.3103	*	11	400.9308	*	23	400.12306	*	23
400.3104	*	11	400.9309	*	23	400.12307	*	23
400.3105	*	11	400.9401	*	23	400.12309	*	23
400.3106	*	11	400.9403	*	23	400.12310	*	23
400.3107	*	11	400.9404	*	23	400.12311	*	23
400.3108	*	11	400.9406	*	23	400.12312	*	23
400.3109	*	11	400.9408	*	23	400.12313	*	23
400.3110	*	11	400.9409	*	23	400.12314	*	23
400.3111	*	11	400.9410	*	23	400.12315	*	23
400.3113	*	11	400.9411	*	23	400.12316	*	23
400.3115	*	11	400.9412	*	23	400.12317	*	23
400.3116	*	11	400.9413	*	23	400.12403	*	23
400.3123	*	11	400.9414	*	23	400.12404	*	23
400.3124	*	11	400.9415	*	23	400.12405	*	23
400.3125	*	11	400.9416	*	23	400.12409	*	23
400.3127	*	11	400.9417	*	23	400.12413	*	23
400.3129	*	11	400.9418	*	23	400.12415	*	23
400.3130	*	11	400.9419	*	23	400.12417	*	23
400.3131	*	11	400.9501	*	23	400.12418	*	23
400.3102	R	11	400.9502	*	23	400.12419	*	23

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue
400.12420	*	23	400.12422	A	23	408.826	R	19
400.12502	*	23	400.12510	A	23	408.827	R	19
400.12503	*	23	400.12511	A	23	408.830	R	19
400.12504	*	23	400.12801	A	23	408.849	R	19
400.12505	*	23	400.12802	A	23	408.851	R	19
400.12506	*	23	400.12803	A	23	408.852	R	19
400.12507	*	23	400.12804	A	23	408.856	R	19
400.12509	*	23	400.12805	A	23	408.871	R	19
400.12602	*	23	400.12806	A	23	408.877	R	19
400.12603	*	23	400.12807	A	23	408.881	R	19
400.12604	*	23	400.12808	A	23	408.882	R	19
400.12605	*	23	400.12406	R	23	408.883	R	19
400.12606	*	23	400.12407	R	23	408.885	R	19
400.12608	*	23	400.12408	R	23	408.886	R	19
400.12701	*	23	400.12410	R	23	408.887	R	19
400.12702	*	23	400.12412	R	23	408.891	R	19
400.12703	*	23	400.12414	R	23	408.891a	R	19
400.12704	*	23	400.12416	R	23	408.893	R	19
400.12705	*	23	400.12508	R	23	408.895	R	19
400.12706	*	23	408.45	*	15	408.7001	*	11
400.12707	*	23	408.90	*	19	408.7002	*	11
400.12708	*	23	408.61	R	19	408.7003	*	11
400.12709	*	23	408.67	R	19	408.7011	*	11
400.12710	*	23	408.70	R	19	408.7019	*	11
400.12711	*	23	408.75	R	19	408.7020	*	11
400.12712	*	23	408.76	R	19	408.7021	*	11
400.12713	*	23	408.79	R	19	408.7023	*	11
400.12318	A	23	408.803	*	19	408.7024	*	11
400.12319	A	23	408.839	*	19	408.7025	*	11
400.12320	A	23	408.848	*	19	408.7026	*	11
400.12321	A	23	408.873	*	19	408.7029	*	11
400.12322	A	23	408.897	*	19	408.7030	*	11
400.12323	A	23	408.801	R	19	408.7032	*	11
400.12324	A	23	408.806	R	19	408.7034	*	11
400.12325	A	23	408.813	R	19	408.7041	*	11
400.12326	A	23	408.819	R	19	408.7051	*	11
400.12327	A	23	408.821	R	19	408.7052	*	11
400.12328	A	23	408.824	R	19	408.7055	*	11
400.12421	A	23	408.825	R	19	408.7056	*	11

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue
408.7058	*	11	408.13311	*	7	408.14943	*	1
408.7059	*	11	408.13312	*	7	408.14944	*	1
408.7059a	*	11	408.13369	*	7	408.14945	*	1
408.7060	*	11	408.13370	*	7	408.14951	*	1
408.7069	*	11	408.13372	*	7	408.14952	*	1
408.7071	*	11	408.13375	*	7	408.14953	*	1
408.7023a	A	11	408.13376	*	7	408.14954	*	1
408.7023b	A	11	408.13378	*	7	408.14961	*	1
408.7031a	A	11	408.13383	*	7	408.14962	*	1
408.7047b	A	11	408.13385	*	7	408.14963	*	1
408.7055a	A	11	408.13386	*	7	408.14964	*	1
408.7060a	A	11	408.13387	*	7	408.14965	*	1
408.7035	R	11	408.13390	*	7	408.14902	A	1
408.7036	R	11	408.13392	*	7	408.15112	*	15
408.7037	R	11	408.13394	*	7	408.15117	*	15
408.7040	R	11	408.13301a	A	7	408.15118	*	15
408.7044	R	11	408.13310a	A	7	408.15119	*	15
408.7050	R	11	408.13312a	A	7	408.15122	*	15
408.7063	R	11	408.13387a	A	7	408.15123	*	15
408.7064	R	11	408.13393	A	7	408.15125	*	15
408.7065	R	11	408.13398	R	7	408.15127	*	15
408.7066a	R	11	408.14904	*	1	408.15131	*	15
408.7067	R	11	408.14905	*	1	408.15136	*	15
408.9002	*	23	408.14906	*	1	408.15144	*	15
408.9012	*	23	408.14908	*	1	408.15146	*	15
408.9026	*	23	408.14911	*	1	408.15149	*	15
408.9027	*	23	408.14921	*	1	408.15167	*	15
408.9028	*	23	408.14922	*	1	408.15102	A	15
408.9034	*	23	408.14923	*	1	3506	R	15
408.9036	A	23	408.14924	*	1	5006	R	15
408.13301	*	7	408.14925	*	1	408.15202	*	17
408.13302	*	7	408.14926	*	1	408.15205	*	17
408.13303	*	7	408.14931	*	1	408.15211	*	17
408.13304	*	7	408.14932	*	1	408.15221	*	17
408.13305	*	7	408.14933	*	1	408.15223	*	17
408.13306	*	7	408.14934	*	1	408.15229	*	17
408.13308	*	7	408.14935	*	1	408.15231	*	17
408.13309	*	7	408.14941	*	1	408.15243	*	17
408.13310	*	7	408.14942	*	1	408.15244	*	17

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue
408.15251	*	17	408.16392	*	20	408.18101a	A	20
408.15252	*	17	408.16302	A	20	408.18149	A	20
408.15254	*	17	408.16350	A	20	408.18159a	A	20
408.15273	*	17	408.16364	A	20	408.19201	*	2
408.152009	A	17	408.17601	*	1	408.19202	*	2
408.152012a	A	17	408.17602	*	1	408.19203	*	2
408.15256	A	17	408.17704	*	15	408.19204	A	2
408.15280	A	17	408.17706	*	15	408.19401	A	15
408.15282	A	17	408.17707	*	15	408.19403	A	15
408.15284	A	17	408.17709	*	15	408.19405	A	15
3406	R	17	408.17711	*	15	3403	R	15
3505	R	17	408.17714	*	15	3504	R	15
5005	R	17	408.17715	*	15	5002	R	15
408.16301	*	20	408.17716	*	15	408.30401	*	11
408.16311	*	20	408.17717	*	15	408.30404	*	11
408.16313	*	20	408.17719	*	15	408.30409	*	11
408.16321	*	20	408.17701a	A	15	408.30411	*	11
408.16322	*	20	408.17701b	A	15	408.30412	*	11
408.16325	*	20	408.17701c	A	15	408.30414	*	11
408.16331	*	20	408.17701d	A	15	408.30415a	*	11
408.16333	*	20	408.17717a	A	15	408.30418	*	11
408.16336	*	20	408.17717b	A	15	408.30419	*	11
408.16337	*	20	408.17717c	A	15	408.30420	*	11
408.16343	*	20	408.17717d	A	15	408.30421	*	11
408.16344	*	20	408.17701	R	15	408.30427	*	11
408.16345	*	20	408.17702	R	15	408.30428	*	11
408.16346	*	20	408.17703	R	15	408.30429	*	11
408.16347	*	20	408.18101	*	20	408.30429a	*	11
408.16351	*	20	408.18114	*	20	408.30437	*	11
408.16352	*	20	408.18115	*	20	408.30442	*	11
408.16353	*	20	408.18116	*	20	408.30443	*	11
408.16354	*	20	408.18122	*	20	408.30446	*	11
408.16356	*	20	408.18125	*	20	408.30447	*	11
408.16361	*	20	408.18130	*	20	408.30449	*	11
408.16362	*	20	408.18147	*	20	408.30451c	*	11
408.16372	*	20	408.18156	*	20	408.30459	*	11
408.16375	*	20	408.18171	*	20	408.30499	*	11
408.16385	*	20	408.18181	*	20	408.30403	A	11
408.16387	*	20	408.18182	*	20	408.30429b	A	11

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue
408.30441	A	11	408.41001a	*	23	408.42605	*	7
408.30452	A	11	408.41016d	*	23	408.42608	*	7
408.30551	*	11	408.41003f	A	23	408.42609	*	7
408.30552	*	11	408.41105	*	23	408.42626	*	7
408.30556	*	11	408.41111	*	23	408.42629	*	7
408.30560	*	11	408.41113	*	23	408.42643	*	7
408.30561	*	11	408.41121	*	23	408.42651	*	7
408.30563	*	11	408.41124	*	23	408.42655	*	7
408.30564	*	11	408.41127	*	23	408.44201	*	2
408.30566	*	11	408.41140	*	23	408.44202	*	2
408.30568	*	11	408.41102a	A	23	408.44203	*	2
408.30569	*	11	408.41123	R	23	408.44204	A	2
408.30570	*	11	408.41001a	*	7	408.45501	A	21
408.30572	*	11	408.41003a	*	7	408.45502	A	21
408.30573	*	11	408.41074a	*	7	408.49101	*	4
408.30574	*	11	408.41401	*	7	408.49102	*	4
408.30575	*	11	408.41410	*	7	408.49103	A	4
408.30576	*	11	408.41461	*	7	418.10106	*	24
408.30577	*	11	408.41463	*	7	418.10107	*	24
408.30565a	A	11	408.41464	*	7	418.10108	*	24
408.40601	*	5	408.41466	*	7	418.10109	*	24
408.40615	*	5	408.41467	*	7	418.10207	*	24
408.40616	*	5	408.41472	*	7	418.10214	*	24
408.40617	*	5	408.41474	*	7	418.10401	*	24
408.40621	*	5	408.41475	*	7	418.10404	*	24
408.40622	*	5	408.41475a	*	7	418.10504	*	24
408.40624	*	5	408.41476	*	7	418.10701	*	24
408.40625	*	5	408.41477	*	7	418.10901	*	24
408.40626	*	5	408.41478	*	7	418.10902	*	24
408.40631	*	5	408.41479	*	7	418.10904	*	24
408.40636	*	5	408.41481	*	7	418.10912	*	24
408.40603	A	5	408.41482	*	7	418.10920	*	24
408.40614	A	5	408.41483	*	7	418.10921	*	24
408.40617a	A	5	408.42221	*	1	418.10922	*	24
408.40624a	A	5	408.42223	*	1	418.10923b	*	24
408.40624b	A	5	408.42224	*	1	418.10925	*	24
408.40633	R	5	408.42229	*	1	418.101002	*	24
408.40634	R	5	408.42241	*	1	418.101003	*	24
408.40635	R	5	408.42243	*	1	418.101003a	*	24

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

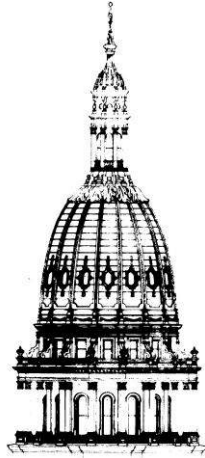


R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue	R Number	Action	2014 MR Issue
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418.101006	*	24	423.154	*	24	432.103	A	9
418.101007	*	24	423.156	*	24	432.104	A	9
418.101023	*	24	423.158	*	24	432.105	A	9
418.101301	*	24	423.161	*	24	432.106	A	9
418.101401	*	24	423.162	*	24	432.107	A	9
418.101501	*	24	423.164	*	24	432.108	A	9
418.101503	*	24	423.165	*	24	432.109	A	9
418.10902a	A	24	423.166	*	24	432.110	A	9
418.101008	A	24	423.167	*	24	432.111	A	9
418.101008a	A	24	423.171	*	24	432.112	A	9
418.101008b	A	24	423.172	*	24	432.201	A	9
418.101009	A	24	423.173	*	24	432.202	A	9
418.101002a	R	24	423.175	*	24	432.203	A	9
421.1203	*	11	423.176	*	24	432.204	A	9
421.1208	*	11	423.177	*	24	432.205	A	9
423.101	*	24	423.178	*	24	432.206	A	9
423.102	*	24	423.179	*	24	432.301	A	9
423.103	*	24	423.182	*	24	432.302	A	9
423.104	*	24	423.106	A	24	432.303	A	9
423.124	*	24	423.137a	A	24	432.304	A	9
423.131	*	24	423.176a	A	24	432.305	A	9
423.132	*	24	423.185	A	24	432.306	A	9
423.133	*	24	423.174	R	24	432.307	A	9
423.134	*	24	423.501	*	23	432.308	A	9
423.135	*	24	423.502	*	23	432.309	A	9
423.136	*	24	423.503	*	23	432.310	A	9
423.137	*	24	423.504	*	23	432.311	A	9
423.138	*	24	423.505	*	23	432.312	A	9
423.141	*	24	423.506	*	23	432.313	A	9
423.143	*	24	423.507	*	23	432.314	A	9
423.144	*	24	423.509	*	23	432.315	A	9
423.145	*	24	423.511	*	23	432.316	A	9
423.146	*	24	423.512	*	23	432.317	A	9
423.147	*	24	423.513	*	23	432.318	A	9
423.149	*	24	423.514	*	23	432.319	A	9
423.149a	*	24	423.515	A	23	432.320	A	9
423.151	*	24	423.510	R	23	432.321	A	9

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

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432.402	A	9	432.21617	*	9	451.803.4	R	15
432.403	A	9	432.21623	*	9	451.803.7	R	15
432.404	A	9	432.21701	*	9	451.803.9	R	15
432.405	A	9	432.21714	*	9	451.812.1	R	15
432.406	A	9	432.21720	*	9	451.812.2	R	15
432.407	A	9	432.21801	*	9	451.814.1	R	15
432.408	A	9	432.21804	*	9	451.818.1	R	15
432.409	A	9	432.21805	*	9	559.108	R	17
432.410	A	9	432.21806	*	9	559.110	R	17
432.21401	R	9	432.21811	*	9	559.110	R	17
432.21401a	R	9	432.21812	*	9			
432.21402	R	9	432.21813	*	9			
432.21403	R	9	436.132	*	23			
432.21404	R	9	450.801	R	13			
432.21405	R	9	450.802	R	13			
432.21406	R	9	450.803	R	13			
432.21407	R	9	450.804	R	13			
432.21408	R	9	450.805	R	13			
432.21409	R	9	450.806	R	13			
432.21410	R	9	450.807	R	13			
432.21411	R	9	450.808	R	13			
432.21412	R	9	450.809	R	13			
432.21413	R	9	450.810	R	13			
432.21414	R	9	451.601.1	R	15			
432.21415	R	9	451.601.2	R	15			
432.21416	R	9	451.601.3	R	15			
432.21417	R	9	451.601.4	R	15			
432.21418	R	9	451.603.4	R	15			
432.21419	R	9	451.605.2	R	15			
432.21420	R	9	451.702.1	R	15			
432.21101	*	9	451.703.1	R	15			
432.21102	*	9	451.703.2	R	15			
432.21109	*	9	451.705.1	R	15			
432.21110	*	9	451.705.3	R	15			
432.21201	*	9	451.705.7	R	15			
432.21208	*	9	451.706.25	R	15			
432.21501	*	9	451.801.1	R	15			
432.21503	*	9	451.801.2	R	15			

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)



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**ADMINISTRATIVE RULES  
ENROLLED SENATE AND HOUSE BILLS  
SIGNED INTO LAW OR VETOED  
(2014 SESSION)**

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*Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”*

*Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”*

*MCL 24.208 states in part:*

*“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\* \* \*

*(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.*

*(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”*

# 2014 Michigan Public Acts Table

Legislative Service Bureau  
Legal Division, Statutory Compiling and Law Publications Unit  
124 W. Allegan, Lansing, MI 48909

December 2, 2014  
Through PA 356 of 2014

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
1	4866		Yes	1/28	1/28	1/28/14	<b>Traffic control</b> ; traffic regulation; alternative method for signaling a turn; allow when operating a bicycle. (Rep. A. Forlini)
2	4629		Yes	1/30	1/30	1/30/14	<b>Highways</b> ; signs; revisions to highway advertising act; provide for. (Rep. B. Jacobsen)
3		0337	Yes	1/30	2/6	2/6/14	<b>Taxation</b> ; administration; claims for credit or refund, audit completion, and successor liability; modify. (Sen. J. Brandenburg)
4	4715		Yes	2/11	2/11	5/12/14	<b>Weapons</b> ; ammunition; possession of ammunition by certain individuals; prohibit. (Rep. K. Heise)
5	4716		Yes	2/11	2/11	5/12/14 #	<b>Weapons</b> ; ammunition; reference in sentencing guidelines; update. (Rep. J. Graves)
6	4717		Yes	2/11	2/11	5/12/14 #	<b>Weapons</b> ; ammunition; reference in 1927 PA 372; update. (Rep. K. Kesto)
7		031	Yes	2/11	2/11	2/11/14 #	<b>Insurance</b> ; life; insurable interests; amend insurance code to provide for insurable interest of trustees. (Sen. T. Schuitmaker)
8		032	Yes	2/11	2/11	2/11/14 #	<b>Probate</b> ; trusts; insurable interest amendments to the Michigan trust code; provide for. (Sen. T. Schuitmaker)

\* - I.E. means Legislature voted to give the Act immediate effect.

\*\* - Act takes effect on the 91st day after sine die adjournment of the Legislature.

\*\*\* - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

# - Tie bar.

## 2014 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
9		0255	Yes	2/11	2/11	2/11/14	<b>Construction</b> ; code; state construction code; subject to fireworks safety act. ( <i>Sen. R. Jones</i> )
10	4570		Yes	2/18	2/18	2/18/14	<b>Courts</b> ; juries; eligibility to postpone jury service of students; expand to include full-time higher education students under certain circumstances. ( <i>Rep. K. Cotter</i> )
11		0475	Yes	2/18	2/18	2/18/14	<b>Torts</b> ; liability; trampoline court safety act; create. ( <i>Sen. D. Hildenbrand</i> )
12	4713		Yes	2/25	2/25	7/1/14	<b>Education</b> ; safety; reporting requirement for public school safety drills; provide for, and require cardiac emergency response plan. ( <i>Rep. J. Graves</i> )
13	5008		Yes	2/25	2/25	2/25/14	<b>Corporate income tax</b> ; other; definition of officer, business loss, and ultimate destination; clarify. ( <i>Rep. A. Nesbitt</i> )
14	5009		Yes	2/25	2/25	2/25/14	<b>Corporate income tax</b> ; unitary filing; exclusion of intercompany transactions; modify. ( <i>Rep. J. Farrington</i> )
15	5010		Yes	2/25	2/25	2/25/14	<b>Corporate income tax</b> ; exemptions; exemption for certain domestic international sales corporations and sales factor for certain flow-through entities; provide for and clarify. ( <i>Rep. K. Cotter</i> )
16	5011		Yes	2/25	2/25	2/25/14	<b>Corporate income tax</b> ; credits; recapture provisions for certain credits; revise. ( <i>Rep. H. Haugh</i> )
17		0146	Yes	2/25	2/25	2/25/14	<b>Economic development</b> ; neighborhood enterprise zones; neighborhood enterprise zone eligibility; expand. ( <i>Sen. C. Young</i> )
18		0396	Yes	2/25	2/25	2/25/14	<b>Property tax</b> ; assessments; retention of taxable value for property improvements required due to certain natural disaster losses; provide for. ( <i>Sen. T. Casperson</i> )

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	HB	SB					
19		0428	Yes	2/25	2/25	5/26/14	<b>Veterans; cemeteries</b> ; flags used to mark graves of veterans; require to be American made. ( <i>Sen. R. Kahn</i> )
20		0533	Yes	2/25	2/25	2/25/14	<b>Economic development; brownfield redevelopment authority</b> ; date of report for collection of certain tax increment revenue; revise for 2013 only. ( <i>Sen. R. Kahn</i> )
21		0581	Yes	2/25	2/25	2/25/14	<b>Criminal procedure; sentencing</b> ; verification of school enrollment or employment of individual released from jail to attend school or for employment purposes; amend day parole act to correct citation reference. ( <i>Sen. R. Jones</i> )
22		0319	Yes	3/4	3/4	3/4/14	<b>Criminal procedure; sentencing</b> ; procedures for determining whether juvenile convicted of murder should be sentenced to imprisonment without parole eligibility; provide for. ( <i>Sen. R. Jones</i> )
23	4808		Yes	3/4	3/4	3/4/14 #	<b>Crimes; penalties</b> ; mandatory life imprisonment for certain crimes committed by juveniles; eliminate to reflect United States supreme court decision in Miller v Alabama. ( <i>Rep. M. O'Brien</i> )
24	5005		Yes	3/4	3/4	3/4/14	<b>Environmental protection; solid waste</b> ; diverted waste; exempt from definition of solid waste and regulate collection centers. ( <i>Rep. A. LaFontaine</i> )
25		0263	Yes	3/4	3/4	3/4/14	<b>Transportation; railroads</b> ; provision in state transportation preservation act of 1976 allowing for rail divestiture or leases to current operators of certain railroad properties; remove, and repeal other provisions. ( <i>Sen. B. Caswell</i> )
26		0463	Yes	3/4	3/4	3/4/14	<b>Vehicles; registration plates</b> ; required attachment of registration plate to rear of vehicle; eliminate requirement for certain historic military vehicles. ( <i>Sen. B. Caswell</i> )
27		0553	Yes	3/4	3/4	3/4/14	<b>Economic development; renaissance zones</b> ; extension of certain existing renaissance zones; provide for. ( <i>Sen. R. Kahn</i> )
28		0558	Yes	3/6	3/6	3/6/14	<b>Mental health; other</b> ; program to divert persons with serious mental illness from justice system to treatment; establish. ( <i>Sen. T. Schuitmaker</i> )

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	HB	SB					
29		0557	Yes	3/6	3/6	3/6/14	<b>Mental health; other</b> ; certain state funds to be used to provide mental health services; allow. ( <i>Sen. T. Schuitmaker</i> )
30	4893		No	3/11	3/11	**	<b>Children; protection</b> ; central registry records; require certain notifications to recipients regarding expungement, limit maintenance of records to 10 years, and add certain individuals to the list of those who may receive the confidential record. ( <i>Rep. M. O'Brien</i> )
31	4089		Yes	3/11	3/11	3/11/14	<b>Highways; name</b> ; certain bridge in Jackson county; designate as the "Officer James Bonneau Memorial Bridge". ( <i>Rep. E. Poleski</i> )
32	4168		Yes	3/11	3/11	3/11/14	<b>Animals; dogs</b> ; requirement that county sheriff euthanize unlicensed dogs; eliminate. ( <i>Rep. M. O'Brien</i> )
33	5074		Yes	3/11	3/11	3/11/14	<b>Property tax; payment and collection</b> ; interest rate on uncollected taxes returned to county for collection; provide option to adjust interest rate. ( <i>Rep. C. Denby</i> )
34		0608	Yes	3/14	3/14	3/14/14	<b>Appropriations; zero budget</b> ; supplemental appropriations; provide for fiscal year 2013-2014. ( <i>Sen. R. Kahn</i> )
35	4291		Yes	3/20	3/20	3/20/14	<b>Taxation; administration</b> ; performance of certain audits; modify procedures. ( <i>Rep. J. Farrington</i> )
36		0437	Yes	3/20	3/20	3/20/14	<b>Local government; intergovernmental affairs</b> ; separate legal entities provided in interlocal agreements under the urban cooperation act of 1967; clarify. ( <i>Sen. M. Nofs</i> )
37		0629	Yes	3/20	3/20	3/20/14	<b>State financing and management; bonds</b> ; refund of certain building authority bonds; extend sunset. ( <i>Sen. R. Jones</i> )
38		0630	Yes	3/20	3/20	3/20/14	<b>Economic development; tax increment financing</b> ; refund of certain tax increment finance bonds; extend sunset. ( <i>Sen. R. Jones</i> )

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	HB	SB					
39	4740		Yes	3/20	3/20	3/20/14	<b>Health facilities</b> ; county medical care facilities; membership on board of trustees of a joint county medical care facility; revise qualifications and eliminate automatic membership for the members of the social welfare board. <b>(Rep. E. McBroom)</b>
40	4810		Yes	3/20	3/20	3/20/14	<b>Property tax</b> ; principal residence exemption; provision relating to allowing an individual moving into assisted living facility to retain principal residence exemption; provide for certain individuals. <b>(Rep. D. Pagel)</b>
41	4941		Yes	3/20	3/20	3/20/14	<b>Occupations</b> ; nurses; issuance of temporary license to nurses licensed in Canada; remove expiration date. <b>(Rep. G. Haines)</b>
42	4709		Yes	3/25	3/25	3/25/14 #	<b>Liquor</b> ; licenses; definition of micro brewer; increase barrel threshold. <b>(Rep. K. Cotter)</b>
43	4710		Yes	3/25	3/25	3/25/14 #	<b>Liquor</b> ; beer; limitation of number of other locations a brewpub may have an interest in and the barrel threshold; increase. <b>(Rep. P. MacGregor)</b>
44	4711		Yes	3/25	3/25	3/25/14 #	<b>Liquor</b> ; beer; number of locations a brewer and micro brewer may sell its beer for on-premises consumption; modify. <b>(Rep. A. Schor)</b>
45		0329	Yes	3/25	3/25	3/25/14 #	<b>Liquor</b> ; other; provision regarding the acquisition, sale, development, or operation of real property to another vendor by a brewer; expand to include wine maker, distiller, or brandy manufacturer and limit the number of real properties. <b>(Sen. D. Hildenbrand)</b>
46		0504	Yes	3/25	3/25	3/25/14 #	<b>Liquor</b> ; other; administration of the liquor control code; clarify. <b>(Sen. J. Hune)</b>
47		0505	Yes	3/25	3/25	3/25/14 #	<b>Liquor</b> ; other; aid and assistance provisions regarding certain secondary use items; modify. <b>(Sen. J. Hune)</b>
48		0506	Yes	3/25	3/25	3/25/14 #	<b>Liquor</b> ; tax; collection and payment of the beer tax; clarify. <b>(Sen. J. Hune)</b>

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	HB	SB					
49		0507	Yes	3/25	3/25	3/25/14 #	<b>Liquor; tax</b> ; method for collection and payment of wine and mixed spirit drink tax; provide for. ( <i>Sen. J. Hune</i> )
50		0650	Yes	3/25	3/25	3/25/14 #	<b>Liquor; distribution</b> ; distribution of beer produced by certain micro brewers to a retailer; allow. ( <i>Sen. J. Hune</i> )
51		0276	Yes	3/25	3/25	3/25/14	<b>Human services; other</b> ; public assistance recipients to perform community service as a condition of eligibility; require. ( <i>Sen. J. Hune</i> )
52		0636	Yes	3/25	3/25	3/25/14	<b>Communications; telecommunications</b> ; general amendments; provide for. ( <i>Sen. M. Nofs</i> )
53		0711	Yes	3/25	3/25	3/25/14	<b>Sales tax; exemptions</b> ; tax exemption on tangible personal property used in construction or renovation of qualified convention facility; extend sunset. ( <i>Sen. J. Marleau</i> )
54		0735	Yes	3/25	3/25	3/25/14	<b>Use tax; exemptions</b> ; tax exemption on tangible personal property used in construction or renovation of qualified convention facility; extend sunset. ( <i>Sen. J. Marleau</i> )
55		0389	Yes	3/25	3/25	3/25/14	<b>Veterans; benefits</b> ; veterans who did not graduate but joined the armed forces during Vietnam War; grant high school diploma to. ( <i>Sen. J. Emmons</i> )
56	5121		Yes	3/26	3/27	3/27/14 #	<b>Courts; judges</b> ; number of judgeships in the sixteenth circuit court; increase. ( <i>Rep. J. Walsh</i> )
57	5122		Yes	3/26	3/27	3/27/14 #	<b>Courts; judges</b> ; number of judgeships in the sixth circuit court; increase. ( <i>Rep. K. Kesto</i> )
58	5123		Yes	3/26	3/27	3/27/14 #	<b>Courts; judges</b> ; number of judgeships; modify, and consolidate certain district court districts. ( <i>Rep. K. Cotter</i> )

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	HB	SB					
59	5124		Yes	3/26	3/27	3/27/14 #	<b>Courts; judges;</b> number of third judicial circuit judges; reduce. (Rep. T. Leonard)
60	5125		Yes	3/26	3/27	3/27/14 #	<b>Courts; reorganization;</b> certain district court districts; authorize consolidation under certain circumstances and modify the number of judges. (Rep. K. Heise)
61	4484		Yes	3/26	3/27	6/26/14	<b>Liens; other;</b> self-service storage facility liens; revise liability of storage facility, allow for late fees, and allow for additional means of disposing of certain property. (Rep. P. Pettalia)
62	4811		Yes	3/26	3/27	3/27/14	<b>Military affairs; other;</b> military family relief fund; revised procedure for application and disbursement of funds. (Rep. R. Franz)
63		0610	Yes	3/26	3/27	3/27/14	<b>Weapons; firearms;</b> manufacture, possession, or transfer of certain short-barreled shotguns or rifles; allow. (Sen. M. Green)
64	5345		Yes	3/28	3/28	3/28/14	<b>Crime victims; other;</b> reference to mentally retarded and mental retardation; modify. (Rep. M. Lori)
65	5346		Yes	3/28	3/28	3/28/14	<b>Children; child care;</b> reference to mentally retarded and mental retardation; modify. (Rep. P. Cavanagh)
66	5347		Yes	3/28	3/28	3/28/14	<b>Mental health; developmental disability;</b> reference to mentally retarded and mental retardation; change. (Rep. G. Haines)
67	5348		Yes	3/28	3/28	3/28/14	<b>Mental health; developmental disability;</b> reference to mentally retarded and mental retardation; change to developmental disability. (Rep. T. Leonard)
68	5349		Yes	3/28	3/28	3/28/14	<b>Mental health; developmental disability;</b> reference to mentally retarded in revised judiciary act; replace with developmentally disabled. (Rep. K. Cotter)

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	HB	SB					
69	5350		Yes	3/28	3/28	3/28/14	<b>Children; other;</b> reference to mentally retarded and mental retardation; modify. <b>(Rep. T. Cochran)</b>
70	5351		Yes	3/28	3/28	3/28/14	<b>Mental health; developmental disability;</b> reference to mentally retarded; change to developmentally disabled. <b>(Rep. D. Knezek)</b>
71	5352		Yes	3/28	3/28	3/28/14	<b>Mental health; developmental disability;</b> reference to mentally retarded; change to developmentally disabled. <b>(Rep. P. Somerville)</b>
72		0805	Yes	3/28	3/28	3/28/14	<b>Mental health; other;</b> reference to mentally retarded and mental retardation; modify. <b>(Sen. R. Warren)</b>
73		0806	Yes	3/28	3/28	3/28/14	<b>Human services; adult foster care;</b> reference to mentally retarded and mental retardation; modify. <b>(Sen. B. Caswell)</b>
74		0807	Yes	3/28	3/28	3/28/14	<b>Mental health; other;</b> reference to mental retardation in patient purchaser agreements; eliminate. <b>(Sen. J. Ananich)</b>
75		0808	Yes	3/28	3/28	3/28/14	<b>Mental health; developmental disability;</b> reference to mental retardation in the nonprofit health care corporation reform act; change to developmental disability. <b>(Sen. R. Jones)</b>
76		0809	Yes	3/28	3/28	3/28/14	<b>Mental health; other;</b> reference to mentally retarded and mental retardation; change to intellectual disability. <b>(Sen. M. Jansen)</b>
77		0810	Yes	3/28	3/28	3/28/14	<b>Mental health; developmental disability;</b> reference to mentally retarded and mental retardation; change to developmental disability. <b>(Sen. B. Johnson)</b>
78		0811	Yes	3/28	3/28	3/28/14	<b>Senior citizens; other;</b> reference to mentally retarded and mental retardation; modify. <b>(Sen. J. Moolenaar)</b>

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	HB	SB					
79	4478		Yes	3/28	3/28	3/28/14	<b>Elections</b> ; voters; signature stamp; allow use of, define physical disability, and permit the legislature to provide the content of certain ballot questions. (Rep. A. Schor)
80		0822	Yes	3/28	3/28	pending	<b>Use tax</b> ; collections; collection of local use tax; increase amount allowable. (Sen. D. Hildenbrand)
81		0825	Yes	3/28	3/28	pending #	<b>Use tax</b> ; distribution; enacting section 1 in enrolled HB 6026, 2012 PA 408; amend to reflect different contingencies. (Sen. D. Robertson)
82	4885		Yes	4/1	4/1	4/1/14 #	<b>Taxation</b> ; severance; tax on production of oil and gas produced by enhanced recovery projects; reduce. (Rep. A. Nesbitt)
83	5254		Yes	4/1	4/1	4/1/14 #	<b>Natural resources</b> ; gas and oil; pipeline definition; expand to include pipelines carrying carbon dioxide gas for certain purposes. (Rep. R. Outman)
84	5255		Yes	4/1	4/1	4/1/14 #	<b>Natural resources</b> ; gas and oil; condemnation authority for pipelines; expand to include pipelines carrying carbon dioxide for certain purposes. (Rep. T. Stallworth)
85	5274		Yes	4/1	4/1	4/1/14 #	<b>Natural resources</b> ; gas and oil; regulations for carbon dioxide pipelines; provide for. (Rep. P. Pettalia)
86		0821	Yes	4/1	4/1	pending #	<b>Local government</b> ; other; local community stabilization authority; create. (Sen. J. Brandenburg)
87		0823	Yes	4/1	4/1	4/1/14	<b>Property tax</b> ; exemptions; voter approval for exemption eligibility; modify, and exclude certain utility personal property from eligibility for exemption. (Sen. J. Proos)
88		0824	Yes	4/1	4/1	pending #	<b>State financing and management</b> ; authorities; process for transferring authority powers; revise, and provide other general amendments. (Sen. J. Pappageorge)

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	HB	SB					
89		0826	Yes	4/1	4/1	4/1/14 #	<b>Property tax; exemptions</b> ; enacting section 1 in enrolled SB 1069, 2012 PA 401; amend to reflect different contingencies. ( <i>Sen. M. Jansen</i> )
90		0827	Yes	4/1	4/1	4/1/14 #	<b>Property tax; exemptions</b> ; enacting section 1 in enrolled SB 1070, 2012 PA 402; amend to reflect different contingencies. ( <i>Sen. S. Bieda</i> )
91		0828	Yes	4/1	4/1	4/1/14 #	<b>Property tax; exemptions</b> ; enacting section 1 in enrolled SB 1071, 2012 PA 403; amend to reflect different contingencies. ( <i>Sen. J. Ananich</i> )
92		0829	Yes	4/1	4/1	pending #	<b>Taxation; excise taxes</b> ; tax on certain owners of exempt eligible personal property; create. ( <i>Sen. R. Warren</i> )
93		0830	Yes	4/1	4/1	pending #	<b>Taxation; specific tax</b> ; personal property exempt from the specific tax levied under the state essential services assessment act; create alternative specific tax. ( <i>Sen. M. Nofs</i> )
94	5152		Yes	4/3	4/3	4/3/14	<b>Elections; other</b> ; general amendments; provide for. ( <i>Rep. L. Lyons</i> )
95		0575	Yes	4/3	4/3	7/1/14	<b>Health; occupations</b> ; disciplinary subcommittees; provide for removal of members for conflicts of interest. ( <i>Sen. T. Schuitmaker</i> )
96		0576	Yes	4/3	4/3	7/1/14	<b>Public employees and officers; ethics</b> ; supplemental conflict of interest standards for certain regulatory bodies; establish. ( <i>Sen. T. Schuitmaker</i> )
97		0577	Yes	4/3	4/3	7/1/14	<b>Health; occupations</b> ; investigation and discipline of licensed health professionals; revise, and provide sanctions for certain conduct. ( <i>Sen. R. Jones</i> )
98		0578	Yes	4/3	4/3	7/1/14	<b>Health; occupations</b> ; decisions of disciplining subcommittees; establish process for review before decision is final. ( <i>Sen. R. Jones</i> )

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	HB	SB					
99	4593		Yes	4/10	4/10	7/1/14 #	<b>Occupations</b> ; junk and secondhand dealers; nonferrous metal regulatory act; expand to include other scrap metal and scrap metal dealers. (Rep. P. Muxlow)
100	4865		Yes	4/7	4/10	4/1/15	<b>Health facilities</b> ; other; dental services provided in a mobile dental facility; allow under certain circumstances. (Rep. P. MacGregor)
101		0547	Yes	4/7	4/10	4/10/14	<b>Commercial code</b> ; commercial paper; general revisions to article 3 of the uniform commercial code; provide for. (Sen. D. Booher)
102		0548	Yes	4/7	4/10	4/10/14 #	<b>Commercial code</b> ; commercial paper; references to uniform commercial code in uniform electronic transactions act; update. (Sen. D. Booher)
103		0549	Yes	4/7	4/10	4/10/14	<b>Commercial code</b> ; bank deposits and collections; general revisions to article 4 of the uniform commercial code; provide for. (Sen. D. Booher)
104		0551	Yes	4/7	4/10	4/10/14	<b>Commercial code</b> ; secured transactions; calculation of damages for violation of article 9 by secured party; revise, and extend rules in deficiency actions to consumer transactions. (Sen. D. Booher)
105	5119		Yes	4/7	4/10	4/10/14	<b>Commercial code</b> ; bank deposits and collections; application of article 4a to certain fund transfers; revise. (Rep. R. VerHeulen)
106		0641	Yes	4/7	4/10	1/1/15	<b>Occupations</b> ; real estate; precicensure and continuing education for realtors; revise, and authorize relicensure of certain former licensees. (Sen. M. Kowall)
107		0820	Yes	4/7	4/10	4/10/14	<b>Health facilities</b> ; certificate of need; membership on the certificate of need commission; include a reference to a nonprofit mutual disability insurer. (Sen. J. Hune)
108	4288		Yes	4/7	4/10	4/10/14	<b>Sales tax</b> ; other; indirect audit procedures; prohibit under certain circumstances. (Rep. F. Foster)

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	HB	SB					
109	4292		Yes	4/7	4/10	4/10/14	<b>Use tax; other;</b> indirect audit procedures; prohibit under certain circumstances. (Rep. P. MacGregor)
110	4467		Yes	4/7	4/10	4/10/14	<b>Insurance; other;</b> regulation of service contracts under insurance code; exempt. (Rep. F. Foster)
111	4907		Yes	4/7	4/10	7/9/14	<b>Crimes; arson;</b> technical amendments; provide for. (Rep. J. Walsh)
112	4908		Yes	4/7	4/10	7/9/14	<b>Criminal procedure; sentencing guidelines;</b> sentencing guidelines for certain arson violations; revise. (Rep. J. Walsh)
113	5282		Yes	4/7	4/10	7/9/14	<b>Crimes; other;</b> right to use force when providing security at a nuclear generating facility; clarify. (Rep. A. Pscholka)
114		0780	Yes	4/7	4/11	4/11/14	<b>Appropriations; capital outlay;</b> supplemental appropriations; provide for natural resources trust fund. (Sen. D. Booher)
115		0719	Yes	4/7	4/11	4/11/14	<b>Natural resources; funding;</b> clean Michigan initiative loans; allow to renegotiate. (Sen. D. Booher)
116	4295		Yes	4/7	4/11	4/11/14	<b>School aid; supplemental;</b> school aid supplemental; provide for 2013-2014. (Rep. J. Haveman)
117	4646		Yes	4/15	4/15	10/12/14	<b>Children; adoption;</b> temporary placement, consent, and release; provide for general revisions. (Rep. M. Shirkey)
118	4647		Yes	4/15	4/15	10/12/14	<b>Children; adoption;</b> supervisory period for infants less than 1 year of age placed for adoption; modify. (Rep. M. O'Brien)

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## 2014 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
119	4648		Yes	4/15	4/15	10/12/14	<b>Children</b> ; adoption; termination of rights of putative father; clarify. (Rep. K. Kurtz)
120	4781		Yes	5/6	5/6	1/1/15	<b>Traffic control</b> ; driver license; number of temporary instruction permits for motorcyclist; limit, and expand conditions for operation by a permitted motorcycle operator. (Rep. B. Jacobsen)
121		0622	Yes	5/6	5/6	5/6/14	<b>Use tax</b> ; exemptions; exemption for property affixed to property in another state; revise effective date. (Sen. D. Booher)
122	4962		Yes	5/14	5/14	8/12/14	<b>Health</b> ; education; infant death due to unsafe sleep environment; require department to develop educational materials, require certain health providers to give to parents, and require parents to sign an acknowledgment of receipt. (Rep. G. Haines)
123	5154		Yes	5/20	5/20	5/20/14 #	<b>Criminal procedure</b> ; preliminary examination; certain rules and procedures for conducting a preliminary examination; revise. (Rep. T. Leonard)
124	5155		Yes	5/20	5/20	5/20/14 #	<b>Courts</b> ; district court; probable cause conferences in felony and misdemeanor cases; clarify district court's jurisdiction. (Rep. J. Walsh)
125	5277		Yes	5/20	5/20	6/19/14	<b>Civil procedure</b> ; foreclosure; property inspections during redemption period; revise procedures for. (Rep. M. Callton)
126		0562	Yes	5/20	5/20	5/20/14	<b>Property tax</b> ; delinquent taxes; delinquent tax revolving fund; revise. (Sen. T. Schuitmaker)
127		0671	Yes	5/22	5/22	8/20/14	<b>Occupations</b> ; licensing fees; waiver of initial application and initial registration and license fees for certain veterans; provide for. (Sen. J. Moolenaar)
128		0672	Yes	5/22	5/22	8/20/14	<b>Occupations</b> ; security guards; waiver of initial fees for security business and alarm licenses; authorize for certain veterans. (Sen. M. Green)

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## 2014 Michigan Public Acts Table

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	HB	SB					
129	5136		Yes	5/22	5/22	5/22/14	<b>Mental health</b> ; <i>other</i> ; uniform mental health release form; create. (Rep. M. Lori)
130	5263		Yes	5/22	5/22	7/1/14	<b>Crime victims</b> ; <i>other</i> ; definition of a victim; include parents in certain circumstances. (Rep. M. O'Brien)
131		0546	Yes	5/27	5/27	5/27/14	<b>Libraries</b> ; <i>other</i> ; election of library boards; modify, and make other general revisions. (Sen. D. Robertson)
132		0574	Yes	5/27	5/27	5/27/14	<b>Local government</b> ; <i>other</i> ; opt-in provision for eligibility as a foreclosing governmental unit; allow. (Sen. R. Jones)
133		0628	Yes	5/27	5/27	7/1/14	<b>Crime victims</b> ; <i>statements</i> ; delivery of an impact statement by parents of a victim who was a minor at the time of the crime; allow. (Sen. T. Schuitmaker)
134		0749	Yes	5/27	5/27	7/1/14	<b>Crime victims</b> ; <i>other</i> ; delivery of an impact statement by the parent of a victim who was a minor at the time of the crime; allow. (Sen. T. Schuitmaker)
135		0862	Yes	5/27	5/27	5/27/14	<b>Liquor</b> ; <i>licenses</i> ; sale of alcohol at certain sporting events held at a university's outdoor stadium; include certain soccer events. (Sen. T. Schuitmaker)
136		0612	Yes	5/27	5/27	5/27/14 #	<b>Occupations</b> ; <i>barbers</i> ; hours of education requirement; revise. (Sen. H. Hopgood)
137	5396		Yes	5/27	5/27	5/27/14 #	<b>Occupations</b> ; <i>barbers</i> ; hours of education requirement for licensed barber colleges; revise. (Rep. A. LaFontaine)
138		0934	Yes	5/27	5/27	5/27/14	<b>Labor</b> ; <i>hours and wages</i> ; minimum wage act; repeal, and enact new minimum wage law. (Sen. R. Richardville)

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## 2014 Michigan Public Acts Table

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	HB	SB					
139	5146		No	6/3	6/3	**	<b>Insurance; life</b> ; group life insurance standard provisions model act; revise to conform to model act. (Rep. K. Segal)
140	5147		No	6/3	6/3	**	<b>Insurance; insurers</b> ; variable life and annuity products approved by the securities and exchange commission to meet form requirements; allow. (Rep. K. Goike)
141	5148		No	6/3	6/3	**	<b>Insurance; insurers</b> ; qualified assets; include foreign governmental bonds and securities and stocks from Canada. (Rep. M. Hovey-Wright)
142	5149		No	6/3	6/3	**	<b>Insurance; long-term care</b> ; accelerated benefits; clarify that long-term care insurance is not an accelerated benefit and define chronic illness. (Rep. T. Cochran)
143	5150		No	6/3	6/3	**	<b>Insurance; life</b> ; electronic applications; allow, and clarify procedure of surrendering of annuity during review period. (Rep. B. Glardon)
144	4656		Yes	6/3	6/3	6/3/14	<b>Labor; youth employment</b> ; exemption from the youth employment standards act; expand to include 16-year-olds who obtain a high school equivalency certificate. (Rep. K. Segal)
145		0869	Yes	6/3	6/3	6/3/14	<b>Natural resources; fishing</b> ; bass season dates; revise. (Sen. G. Hansen)
146		059	Yes	6/4	6/4	6/4/14	<b>Natural resources; forests</b> ; commercial forests; withdraw forestland from commercial forests and waive penalty under certain circumstances. (Sen. D. Booher)
147	5191		Yes	6/4	6/4	6/4/14	<b>Vehicles; off-road</b> ; helmet requirement; create exemption for property owner, family member, or guest. (Rep. B. Rendon)
148		0741	Yes	6/11	6/11	6/11/14	<b>Occupations; health care professions</b> ; granting temporary license to military spouses who hold a similar license or registration in another jurisdiction; allow under certain circumstances. (Sen. T. Schuitmaker)

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	HB	SB					
149		0742	Yes	6/11	6/11	6/11/14	<b>Occupations</b> ; individual licensing and regulation; temporary license or registration for certain military spouses; allow. ( <b>Sen. T. Schuitmaker</b> )
150		0418	Yes	6/11	6/11	6/11/14	<b>Insurance</b> ; other; person selling travel insurance; exempt from licensing requirement. ( <b>Sen. J. Hune</b> )
151		0476	Yes	6/11	6/11	6/24/14 #	<b>Occupations</b> ; auctioneers; registration of auctioneers in occupational code; repeal. ( <b>Sen. D. Hildenbrand</b> )
152		0477	Yes	6/11	6/11	6/24/14 #	<b>Occupations</b> ; licensing fees; registration, application, and examination fees for auctioneers; repeal. ( <b>Sen. D. Hildenbrand</b> )
153		0494	Yes	6/11	6/11	6/11/14 #	<b>Occupations</b> ; community planners; registration, application, and examination fees for community planners; repeal. ( <b>Sen. B. Caswell</b> )
154	4377		Yes	6/11	6/11	6/11/14 #	<b>Occupations</b> ; community planners; regulation of community planners in occupational code; repeal. ( <b>Rep. T. Kelly</b> )
155		0607	Yes	6/11	6/11	6/11/14 #	<b>Occupations</b> ; ocularists; registration fee for ocularists; repeal. ( <b>Sen. R. Kahn</b> )
156	4392		Yes	6/11	6/11	6/11/14 #	<b>Occupations</b> ; ocularists; regulation of ocularists in occupational code; repeal. ( <b>Rep. H. Haugh</b> )
157	4376		Yes	6/11	6/11	6/11/14	<b>Occupations</b> ; other; regulation of proprietary school solicitors; repeal. ( <b>Rep. E. McBroom</b> )
158		0409	Yes	6/11	6/11	7/1/14	<b>Crimes</b> ; other; unlawful imprisonment; include as predicate offense for first degree murder. ( <b>Sen. R. Jones</b> )

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	HB	SB					
159		0714	Yes	6/11	6/11	12/8/14	<b>Civil procedure; alternate dispute resolution; uniform collaborative law act; enact.</b> <b>(Sen. T. Schuitmaker)</b>
160		0759	Yes	6/11	6/11	6/11/14	<b>Natural resources; hunting; prohibition on person holding a fur dealer's license from holding a license to trap beaver; remove.</b> <b>(Sen. T. Casperson)</b>
161		0893	Yes	6/11	6/11	6/11/14 #	<b>Use tax; collections; assessment of tax on health maintenance organizations; provide for.</b> <b>(Sen. R. Kahn)</b>
162		0913	Yes	6/11	6/11	6/11/14 #	<b>Taxation; health insurance claims; assessment on carriers and third party administrators; provide for reduction under certain circumstances.</b> <b>(Sen. R. Kahn)</b>
163	4691		Yes	6/11	6/11	6/11/14	<b>Occupations; business licensing and regulation; carnival amusement safety board; abolish.</b> <b>(Rep. A. LaFontaine)</b>
164		0114	Yes	6/12	6/12	6/12/14	<b>Property tax; assessments; assessment of commercial rental property; revise.</b> <b>(Sen. V. Gregory)</b>
165		0446	Yes	6/12	6/12	6/12/14	<b>Health facilities; hospitals; requirements applicable to hospitals providing extended care services through swing beds; clarify.</b> <b>(Sen. D. Booher)</b>
166		0472	Yes	6/12	6/12	6/12/14	<b>Property; boundaries; state survey and remonumentation act; modify.</b> <b>(Sen. H. Walker)</b>
167		0656	No	6/12	6/12	**	<b>Human services; medical services; utilization of maximum allowable cost pricing for generic drugs; require.</b> <b>(Sen. B. Caswell)</b>
168		0680	Yes	6/12	6/12	6/12/14	<b>Natural resources; inland lakes; county authority to designate use of public road end for purpose of installing a seasonal dock; prohibit county road commission from exercising.</b> <b>(Sen. M. Kowall)</b>

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## 2014 Michigan Public Acts Table

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	HB	SB					
169	5476		Yes	6/17	6/17	6/17/14	<b>Public utilities; electric utilities;</b> proceedings to modify cost allocation methods and rate design methods; provide for. ( <b>Rep. J. Stamas</b> )
170	5612		Yes	6/17	6/17	6/17/14	<b>Public utilities; consumer services;</b> use of money in utility consumer representation fund; modify. ( <b>Rep. M. Shirkey</b> )
171		0265	Yes	6/17	6/17	9/15/14	<b>Vehicles; registration;</b> company test vehicles; exempt from additional tax on vehicle registrations charged by regional transit authority. ( <b>Sen. R. Jones</b> )
172		0648	Yes	6/17	6/17	6/17/14	<b>Higher education; financial aid;</b> loan repayment grant program for certain health professionals and students; expand eligibility criteria and increase maximum grant amount. ( <b>Sen. J. Moolenaar</b> )
173		0649	Yes	6/11	6/17	6/17/14	<b>Higher education; financial aid;</b> report to legislature on health care recruitment strategy; expand, and include dental students in minority student grant program. ( <b>Sen. J. Marleau</b> )
174	4528		Yes	6/17	6/17	6/17/14	<b>Occupations; immigration clerical assistants;</b> regulation of immigration clerical assistants; revise. ( <b>Rep. K. Kesto</b> )
175	4582		Yes	6/17	6/17	9/16/14	<b>Occupations; residential builders;</b> prelicensure education requirements for residential builders and contractors; revise. ( <b>Rep. F. Foster</b> )
176	5284		Yes	6/17	6/17	6/17/14 #	<b>Occupations; residential builders;</b> relicensing of certain formerly licensed residential builders and residential maintenance and alteration contractors; allow. ( <b>Rep. M. Lane</b> )
177	5220		Yes	6/17	6/17	6/17/14	<b>Occupations; accounting;</b> requirement that directors and certain officers of public accounting firms hold CPA licenses; revise. ( <b>Rep. T. Kelly</b> )
178	5400		Yes	6/17	6/17	9/16/14 #	<b>Environmental protection; solid waste;</b> low-hazard industrial waste, beneficial use by-products, and inert material; reduce regulation of. ( <b>Rep. W. Schmidt</b> )

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	HB	SB					
179	5401		Yes	6/17	6/17	6/17/14	<b>Environmental protection; cleanups;</b> person who stores or uses inert materials and beneficial use by-products; exempt from liability. (Rep. E. McBroom)
180	5402		Yes	6/17	6/17	9/16/14 #	<b>Agriculture; fertilizer;</b> liming material licensing conditions; provide for beneficial use by-products and inert materials. (Rep. P. Potvin)
181	5566		Yes	6/20	6/20	6/20/14	<b>State financing and management; authorities;</b> Michigan financial review commission act; create. (Rep. J. Walsh)
182	5567		Yes	6/19	6/20	6/20/14	<b>Cities; home rule;</b> chief financial officer for a city with a population of more than 600,000; require, and require 4-year financial plan. (Rep. J. Kivela)
183	5568		Yes	6/19	6/20	6/20/14	<b>Cities; home rule;</b> benefits under retirement plans established by a city with a population of more than 600,000 or that has discharged \$1,000,000,000.00 in pension liabilities in bankruptcy; modify. (Rep. G. Haines)
184	5569		Yes	6/19	6/20	6/20/14	<b>Labor; public service employment;</b> opt-out for public employee contribution to employer-provider health care benefits; modify. (Rep. A. LaFontaine)
185	5570		Yes	6/19	6/20	6/20/14	<b>Retirement; pension oversight;</b> oversight of certain pensions of cities with a population of more than 600,000; provide for. (Rep. K. Yonker)
186	5573		Yes	6/19	6/20	6/20/14	<b>State financing and management; funds;</b> Michigan trust fund act; allow allocation of certain revenues into the budget stabilization fund. (Rep. A. Talabi)
187	5575		Yes	6/19	6/20	6/20/14	<b>State financing and management; authorities;</b> Michigan settlement administration authority; create. (Rep. F. Durhal)
188	5574		Yes	6/20	6/20	6/20/14	<b>State financing and management; funds;</b> budget stabilization fund distribution; provide for. (Rep. T. Stallworth)

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	HB	SB					
189	5576		Yes	6/19	6/20	6/20/14	<b>Labor; arbitration;</b> basis for certain local government arbitration awards; include financial information submitted under the Michigan financial review commission act. <b>(Rep. J. Haveman)</b>
190	5600		Yes	6/19	6/20	6/20/14	<b>Public employees and officers; ethics;</b> membership of a financial review commission; clarify exclusions from conflict of interest. <b>(Rep. J. Olumba)</b>
191		0582	Yes	6/19	6/23	9/22/14	<b>Crimes; weapons;</b> penalties for intentionally discharging a firearm from vehicle or at a dwelling or a potentially occupied structure; increase under certain circumstances. <b>(Sen. J. Marleau)</b>
192		0583	Yes	6/19	6/23	9/22/14 #	<b>Criminal procedure; sentencing guidelines;</b> sentencing guidelines for increased penalties for crime of intentionally discharging a firearm from a motor vehicle or at a dwelling or potentially occupied structure; enact. <b>(Sen. J. Ananich)</b>
193	4378		Yes	6/21	6/24	6/24/14	<b>Occupations; interior design;</b> regulation of interior designers; repeal. <b>(Rep. A. LaFontaine)</b>
194	4683		Yes	6/21	6/24	6/24/14 #	<b>Occupations; auctioneers;</b> reference to registered auctioneers conducting wine auctions; revise in liquor control code. <b>(Rep. D. Nathan)</b>
195	4684		Yes	6/21	6/24	6/24/14 #	<b>Occupations; auctioneers;</b> reference to certain auctioneers in definition of snowmobile dealers in NREPA; revise. <b>(Rep. C. Denby)</b>
196	5314		Yes	6/24	6/24	6/24/14	<b>Appropriations; school aid;</b> fiscal year 2014-2015 omnibus appropriations for school aid, higher education, and community colleges; provide for. <b>(Rep. B. Rogers)</b>
197		0674	Yes	6/24	6/24	6/24/14 #	<b>Civil rights; other;</b> breastfeeding in public places; protect as civil right. <b>(Sen. R. Warren)</b>
198	5591		Yes	6/24	6/24	6/24/14 #	<b>Crimes; obscenity;</b> visibility of certain parts of a woman's anatomy while breastfeeding child; exclude from indecent exposure law. <b>(Rep. A. Price)</b>

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	HB	SB					
199	5592		Yes	6/24	6/24	6/24/14 #	<b>Crimes; disorderly conduct;</b> visibility of certain parts of a woman's anatomy while breastfeeding child; exclude from disorderly conduct law. <b>(Rep. L. Lyons)</b>
200	4486		Yes	6/24	6/24	6/24/14	<b>Health; substance abuse treatment;</b> involuntary substance use disorder assessment, stabilization, and treatment for adults; allow, prescribe penalties, and provide other general amendments. <b>(Rep. J. Walsh)</b>
201	5085		Yes	6/21	6/24	6/24/14	<b>Weapons; safety and training;</b> requirement for physical presence of parent or guardian during use of a pistol by a minor; provide exception. <b>(Rep. P. Potvin)</b>
202		049	Yes	6/24	6/24	12/21/14 #	<b>Weapons; licensing;</b> certain firearms records; exempt from freedom of information act. <b>(Sen. T. Casperson)</b>
203	5325		Yes	6/24	6/24	12/21/14 #	<b>Weapons; licensing;</b> definition of firearms records; provide for. <b>(Rep. H. Crawford)</b>
204	4155		Yes	6/24	6/24	12/21/14 #	<b>Weapons; licensing;</b> certain firearm licensing information; require certain procedures for access and disclosure. <b>(Rep. A. Nesbitt)</b>
205		0834	Yes	6/24	6/24	12/21/14 #	<b>Weapons; licensing;</b> firearm records; clarify exemption under the freedom of information act. <b>(Sen. P. Pavlov)</b>
206		0881	Yes	6/24	6/24	12/21/14 #	<b>Weapons; licensing;</b> firearms records; clarify what records are exempt under the freedom of information act. <b>(Sen. G. Hansen)</b>
207	5328		Yes	6/24	6/24	12/21/14 #	<b>Weapons; licensing;</b> firearm records; clarify what is exempt under the freedom of information act. <b>(Rep. K. Cotter)</b>
208	4465		No	6/25	6/25	** #	<b>Education; graduation requirements;</b> Michigan merit curriculum; revise. <b>(Rep. E. McBroom)</b>

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	HB	SB					
209	4466		No	6/25	6/25	** #	<b>Education</b> ; graduation requirements; certain requirements of Michigan merit curriculum; modify, and modify personal curriculum requirements. (Rep. J. Johnson)
210		0873	Yes	6/26	6/26	9/25/14 #	<b>Recreation</b> ; trails; statewide trail network; include Pure Michigan Trails and provide for Pure Michigan Water Trails and Pure Michigan Trail Towns. (Sen. J. Moolenaar)
211		0875	Yes	6/26	6/26	9/25/14 #	<b>Recreation</b> ; trails; statewide trail network; include Pure Michigan Trails and provide definitions. (Sen. D. Hildenbrand)
212		0876	Yes	6/26	6/26	9/25/14 #	<b>Recreation</b> ; trails; statewide trail network; include Pure Michigan Trails and provide for trail maintenance. (Sen. G. Hansen)
213		0877	Yes	6/26	6/26	9/25/14 #	<b>Recreation</b> ; trails; statewide trail network; include Pure Michigan Trails and provide for trails advisory council oversight of water trails. (Sen. T. Casperson)
214	5553		Yes	6/26	6/26	9/25/14 #	<b>Recreation</b> ; trails; statewide trail network; include Pure Michigan Trails and provide for closure of trails under circumstances and funding from the Pure Michigan Trails fund. (Rep. R. Franz)
215	5559		Yes	6/26	6/26	9/25/14 #	<b>Recreation</b> ; trails; statewide trail network; include Pure Michigan Trails and authorize department of natural resources to grant easements, use permits, concessions, and leases. (Rep. D. Pagel)
216	5363		Yes	6/21	6/26	1/1/15	<b>Crimes</b> ; controlled substances; purchasing or possessing ephedrine or pseudoephedrine knowing or having reason to know it is intended to be used to manufacture methamphetamine; prohibit, and provide a penalty. (Rep. A. Price)
217	5089		Yes	6/21	6/26	1/1/15	<b>Crimes</b> ; controlled substances; soliciting another person to purchase ephedrine or pseudoephedrine for the purpose of manufacturing methamphetamine; prohibit, and provide a penalty. (Rep. B. Genetski)
218	5090		Yes	6/21	6/26	1/1/15 #	<b>Criminal procedure</b> ; sentencing guidelines; sentencing guidelines for crime of soliciting another person to purchase ephedrine or pseudoephedrine for the purpose of manufacturing methamphetamine; enact. (Rep. A. Nesbitt)

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	HB	SB					
219	4567		Yes	6/21	6/26	9/24/14	<b>Crimes; intoxication or impairment;</b> penalties for certain alcohol- and drug-related driving violations; increase. (Rep. E. Kowall)
220	4568		Yes	6/21	6/26	9/24/14 #	<b>Criminal procedure; sentencing guidelines;</b> sentencing guidelines for certain alcohol- and controlled-substance-related driving violations; revise. (Rep. E. Kowall)
221	4895		No	6/21	6/26	**	<b>Criminal procedure; sentencing;</b> penalty for concealment of a stolen vehicle; increase with prior convictions. (Rep. K. Kesto)
222	4896		No	6/21	6/26	** #	<b>Criminal procedure; sentencing guidelines;</b> sentencing guidelines for crime of receiving and concealing a motor vehicle, second or subsequent offense; enact. (Rep. K. Kesto)
223	5069		Yes	6/21	6/26	9/24/14	<b>Property; other;</b> prohibition on forcible entry by owner; provide exception if occupant is squatting. (Rep. K. Heise)
224	5070		Yes	6/21	6/26	9/24/14	<b>Crimes; trespassing;</b> definition of squatter; provide for, and provide penalties for squatting on certain premises. (Rep. K. Heise)
225	5071		Yes	6/21	6/26	9/24/14 #	<b>Criminal procedure; sentencing guidelines;</b> sentencing guidelines for crime of squatting; enact. (Rep. K. Heise)
226	5335		Yes	6/21	6/26	6/26/14	<b>Torts; premises liability;</b> liability of possessor of land for injuries to trespassers; codify. (Rep. B. Jacobsen)
227	5445		No	6/26	6/26	**	<b>Law enforcement; other;</b> sexual assault kit evidence submission act; create. (Rep. J. Walsh)
228	5478		Yes	6/21	6/27	6/27/14 #	<b>Worker's compensation; administration;</b> private employer group self-insurers security fund; create. (Rep. J. Graves)

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## 2014 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
229	5479		Yes	6/21	6/27	6/27/14 #	<b>Worker's compensation; administration;</b> liability of various self-insurer funds; establish. <b>(Rep. J. Graves)</b>
230	5480		Yes	6/21	6/27	6/27/14 #	<b>Worker's compensation; administration;</b> trustee authorization of payments from the private employer group self-insurers security fund; provide for. <b>(Rep. J. Graves)</b>
231	5481		Yes	6/21	6/27	6/27/14	<b>Worker's compensation; administration;</b> reimbursement from second injury fund; provide for private employer group self-insurers security fund. <b>(Rep. J. Graves)</b>
232	5483		Yes	6/21	6/27	6/27/14 #	<b>Worker's compensation; administration;</b> authority to assess for insufficiencies in the private employer group self-insurers security fund; establish. <b>(Rep. H. Santana)</b>
233	5484		Yes	6/21	6/27	6/27/14 #	<b>Worker's compensation; administration;</b> attorney general representation of the private employer group self-insurers security fund; provide for. <b>(Rep. H. Santana)</b>
234	5485		Yes	6/21	6/27	6/27/14 #	<b>Worker's compensation; administration;</b> rights against insolvent employer; establish for private employer group self-insurers security fund. <b>(Rep. H. Santana)</b>
235	5486		Yes	6/21	6/27	6/27/14 #	<b>Worker's compensation; administration;</b> availability of private self-insurer's records in bankruptcy; provide for private employer group self-insurers security fund. <b>(Rep. H. Santana)</b>
236	5487		Yes	6/21	6/27	6/27/14 #	<b>Worker's compensation; administration;</b> calculation of and increased assessment limits for certain claims; authorize, and provide for audits and for sanctions for delinquent payments. <b>(Rep. P. Phelps)</b>
237	5488		Yes	6/21	6/27	6/27/14 #	<b>Worker's compensation; administration;</b> reimbursement for delinquent carriers; restrict. <b>(Rep. R. Kosowski)</b>
238	5489		Yes	6/21	6/27	6/27/14 #	<b>Worker's compensation; administration;</b> certain payments from the self-insurers' security fund; authorize. <b>(Rep. B. Jacobsen)</b>

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	HB	SB					
239	5490		Yes	6/21	6/27	6/27/14 #	<b>Worker's compensation; administration;</b> rights of certain funds; establish as same as an employer or carrier. <i>(Rep. F. Foster)</i>
240	4003		Yes	6/21	6/27	6/27/14	<b>Taxation; administration;</b> offer-in-compromise program; provide for. <i>(Rep. J. Walsh)</i>
241	4958		Yes	6/24	6/27	8/26/14	<b>Employment security; benefits;</b> eligibility criteria for unemployment benefits for mineral landmen and certain visa holders; clarify, and prescribe treatment of wages for certain purposes. <i>(Rep. F. Foster)</i>
242	4964		Yes	6/21	6/27	6/27/14	<b>Retirement; investments;</b> automatic enrollment in certain retirement plans; allow public employers to provide and limit liability for default investment decisions. <i>(Rep. J. Walsh)</i>
243	5039		Yes	6/21	6/27	9/25/14	<b>Children; protection;</b> duties of children's ombudsman; expand. <i>(Rep. K. Kurtz)</i>
244	5131		Yes	6/21	6/27	6/27/14	<b>Economic development; brownfield redevelopment authority;</b> member of board; allow to be appointed to serve in his or her capacity as elected official, and establish that when member's service as elected official ends, the term on the board ends. <i>(Rep. H. Santana)</i>
245	5132		Yes	6/21	6/27	6/27/14	<b>Economic development; economic development corporations;</b> member of board; allow to be appointed to serve in his or her capacity as elected official, and establish that when member's service as elected official ends, the term on the board ends. <i>(Rep. H. Santana)</i>
246	5168		Yes	6/21	6/27	9/25/14	<b>Transportation; authorities;</b> agreement between a regional transit authority and a street railway; allow, and provide other general revisions. <i>(Rep. J. Walsh)</i>
247	5169		Yes	6/21	6/27	9/25/14	<b>Transportation; authorities;</b> definition of public transportation provider in regional transit authority act; amend to exclude street railways. <i>(Rep. W. Schmidt)</i>
248	5261		Yes	6/21	6/27	6/27/14	<b>Sales tax; exemptions;</b> sale of vehicles to certain family members; exempt. <i>(Rep. K. Cotter)</i>

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	HB	SB					
249	5332		No	6/21	6/27	**	<b>Health</b> ; <i>substance abuse</i> ; uniform substance use disorder credentialing program; require department to establish and require certain state departments and agencies to comply with the program. (Rep. M. Lori)
250	5414		Yes	6/21	6/27		<b>Traffic control</b> ; <i>other</i> ; certain driver responsibility fees; shorten assessment period and provide for sunset. (Rep. J. Haveman)
251	5558		No	6/21	6/27	**	<b>Consumer protection</b> ; <i>unfair trade practices</i> ; application of consumer protection act to unfair trade practices in insurance code; modify. (Rep. T. Leonard)
252	5313		Yes	6/30	6/30	6/30/14 +	<b>Appropriations</b> ; <i>zero budget</i> ; omnibus budget appropriations bill; provide for. (Rep. J. Haveman)
253		0444	Yes	6/24	6/30	6/30/14	<b>Natural resources</b> ; <i>nonnative species</i> ; permit process for treatment of aquatic invasive species; revise. (Sen. T. Casperson)
254		020	Yes	6/24	6/30	6/30/14	<b>Environmental protection</b> ; <i>permits</i> ; hazardous waste permit; allow DEQ to deny based on conviction of crime committed in pursuit of permit. (Sen. H. Hopgood)
255		0613	Yes	6/26	6/30	9/28/14	<b>Natural resources</b> ; <i>wildlife</i> ; certain game killed by a vehicle; allow salvaging of. (Sen. D. Booher)
256		0644	Yes	6/28	6/30	6/30/14	<b>Education</b> ; <i>alternative</i> ; strict discipline academies; allow to enroll individuals placed in certain facilities operated by a private agency. (Sen. D. Hildenbrand)
257		0817	Yes	6/28	6/30	6/30/14	<b>Education</b> ; <i>teachers</i> ; implementation dates for performance evaluation requirements for teachers and school administrators; modify. (Sen. J. Pappageorge)
258		0872	No	6/28	6/30	**	<b>Environmental protection</b> ; <i>cleanups</i> ; use of and development on stamp sands; allow. (Sen. T. Casperson)

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	HB	SB					
259	5451		Yes	7/1	7/1	7/1/14	<b>Military affairs; other;</b> tuition assistance program for Michigan national guardsmen; create. (Rep. B. Rendon)
260		0690	Yes	6/26	7/1	1/1/15 #	<b>Occupations; physical therapists;</b> prescription requirement; eliminate under certain circumstances. (Sen. J. Moolenaar)
261		0691	Yes	6/26	7/1	7/1/14 #	<b>Insurance; health care corporations;</b> reimbursement for physical therapy services; allow health care corporation to withhold unless patient has a prescription from a licensed health professional. (Sen. R. Warren)
262		0692	Yes	6/26	7/1	7/1/14 #	<b>Insurance; prudent purchaser agreements;</b> reimbursement for physical therapy services; allow insurance companies to withhold unless patient has a prescription from a licensed health professional. (Sen. T. Casperson)
263		0694	Yes	6/26	7/1	7/1/14 #	<b>Insurance; health;</b> reimbursement for physical therapy services; allow insurers to withhold unless patient has a prescription from a certain licensed health professional. (Sen. M. Green)
264		0693	Yes	6/26	7/1	7/1/14 #	<b>Worker's compensation; benefits;</b> reimbursement for physical therapy services; allow employer to withhold unless patient has a prescription from a licensed health professional. (Sen. D. Hildenbrand)
265		0479	Yes	6/26	7/1	7/1/14	<b>Occupations; code;</b> technical changes to reflect repeal of certain licensing and registration requirements; enact. (Sen. M. Jansen)
266		0713	Yes	6/26	7/1	9/29/14	<b>Mental health; community mental health;</b> powers of governing board of a community mental health services authority; expand. (Sen. D. Booher)
267	4688		Yes	7/1	7/1	7/1/14	<b>Occupations; dietitians and nutritionists;</b> licensure of dietitians and nutritionists; repeal. (Rep. E. McBroom)
268		0900	Yes	6/26	7/2	7/2/14	<b>Worker's compensation; funds;</b> limitations on reimbursement from the Michigan compensation supplement fund; modify. (Sen. J. Brandenburg)

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	HB	SB					
269		0853	Yes	6/26	7/2	9/30/14	<b>Health</b> ; occupations; refraction of human eye and issuance of prescriptions for spectacles or contact lenses; prohibit by unlicensed individuals. ( <i>Sen. R. Jones</i> )
270		0846	Yes	6/28	7/2	7/2/14	<b>Liquor</b> ; licenses; issuance of additional licenses in certain redevelopment project areas or development districts; clarify and provide for. ( <i>Sen. D. Hildenbrand</i> )
271		0715	Yes	6/28	7/2	7/2/14	<b>Insurance</b> ; other; certificates of insurance model act; enact. ( <i>Sen. T. Casperson</i> )
272		0678	Yes	6/28	7/2	7/2/14	<b>Taxation</b> ; tobacco; distribution of tobacco products tax revenue; modify. ( <i>Sen. R. Kahn</i> )
273		0611	Yes	6/24	7/2	9/30/14	<b>Economic development</b> ; other; collection of interest on delinquent assessment; modify. ( <i>Sen. M. Kowall</i> )
274		0536	Yes	6/24	7/2	7/2/14	<b>Economic development</b> ; other; short-term abatement program; provide for. ( <i>Sen. J. Proos</i> )
275		0756	Yes	6/28	7/2	1/1/15 #	<b>Crimes</b> ; other; selling or furnishing ephedrine or pseudoephedrine without a prescription to individual previously convicted of methamphetamine-related offense; prohibit under certain circumstances. ( <i>Sen. J. Proos</i> )
276		0535	Yes	6/26	7/2	1/1/15 #	<b>Criminal procedure</b> ; other; methamphetamine abuse reporting act; create, and prohibit certain controlled substance offenders from obtaining products containing ephedrine or pseudoephedrine under certain circumstances. ( <i>Sen. J. Proos</i> )
277		0327	Yes	6/24	7/2	7/2/14	<b>Taxation</b> ; administration; certain guidelines used by employees involved in the administration, collection, or auditing of taxes; clarify. ( <i>Sen. D. Robertson</i> )
278		0153	Yes	6/24	7/2	7/2/14	<b>Family law</b> ; marriage and divorce; employee designated by county clerk to solemnize marriage in a county having more than 1,500,000 inhabitants; allow. ( <i>Sen. M. Hood</i> )

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	HB	SB					
279		0904	Yes	6/28	7/2	9/30/14 #	<b>Criminal procedure</b> ; sentencing guidelines; sentencing guidelines for certain compounding pharmacy violations; enact. ( <i>Sen. J. Hune</i> )
280		0704	Yes	6/28	7/2	9/30/14	<b>Health</b> ; pharmaceuticals; compounding pharmacies; regulate, require all pharmacies, manufacturers, and wholesale distributors to designate a pharmacist in charge, and provide remedies and penalties. ( <i>Sen. J. Hune</i> )
282		0156	Yes	9/11	9/12	9/12/14	<b>Michigan business tax</b> ; administration; gross receipts, certain credit and apportionment provisions; modify to clarify original intent. ( <i>Sen. M. Jansen</i> )
283		0633	Yes	9/23	9/23	12/31/14 #	<b>Traffic control</b> ; other; option of community service in lieu of payment of driver responsibility fees; allow in certain circumstances. ( <i>Sen. B. Caswell</i> )
284		0758	Yes	9/23	9/23	9/23/14	<b>Taxation</b> ; hotel-motel tax; collection of delinquent excise taxes; provide for. ( <i>Sen. D. Hildenbrand</i> )
285		092	Yes	9/23	9/23	12/22/14	<b>Health</b> ; occupations; pharmacy technicians; license and regulate. ( <i>Sen. M. Green</i> )
286		0959	Yes	9/23	9/23	9/23/14	<b>Environmental protection</b> ; hazardous waste; liquid industrial waste site identification number user charges; extend sunset. ( <i>Sen. R. Kahn</i> )
287		0960	Yes	9/23	9/23	9/23/14	<b>Environmental protection</b> ; hazardous waste; manifest processing site identification, and hazardous waste management program user charge; extend sunset. ( <i>Sen. R. Kahn</i> )
288		066	No	9/30	9/30	**	<b>Education</b> ; graduation requirements; information to help school districts comply with Michigan merit curriculum requirements; provide for. ( <i>Sen. J. Proos</i> )
289		0915	No	9/30	9/30	**	<b>Vehicles</b> ; registration; fraudulently indicating that there is no security interest in a vehicle; prohibit. ( <i>Sen. T. Casperson</i> )

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## 2014 Michigan Public Acts Table

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	HB	SB					
290		0916	No	9/30	9/30	** #	<b>Vehicles; title;</b> electronic title for vehicles with a lienholder; allow. ( <i>Sen. M. Nofs</i> )
291		0917	No	9/30	9/30	** #	<b>Vehicles; title;</b> electronic title for vehicles with a lienholder; allow. ( <i>Sen. S. Bieda</i> )
292		0918	No	9/30	9/30	** #	<b>Vehicles; title;</b> electronic title for vehicles with a lienholder; allow. ( <i>Sen. J. Brandenburg</i> )
293	5793		Yes	9/30	9/30	9/30/14	<b>Education; graduation requirements;</b> requirements for high school diploma; clarify foreign language Michigan merit standard curriculum requirement. ( <i>Rep. L. Lyons</i> )
294		0277	No	9/30	9/30	**	<b>Vehicles; trucks;</b> requirement that commercial vehicles weighing over 5,000 pounds display certain identification information; eliminate. ( <i>Sen. J. Hune</i> )
295		0473	Yes	9/30	9/30	9/30/14	<b>Individual income tax; withholding requirements;</b> flow-through entities that have entered into certain housing agreements; eliminate withholding requirement. ( <i>Sen. J. Brandenburg</i> )
296		0616	Yes	9/30	9/30	9/30/14	<b>Appropriations; zero budget;</b> supplemental appropriations; provide for fiscal year 2013-2014. ( <i>Sen. R. Kahn</i> )
297		0922	Yes	9/30	9/30	9/30/14	<b>State financing and management; bonds;</b> issuance of certain types of bonds; extend sunset. ( <i>Sen. J. Brandenburg</i> )
298		1017	Yes	9/30	9/30	9/30/14	<b>Taxation; tobacco;</b> compensation for upgrades to technology and equipment; clarify. ( <i>Sen. R. Kahn</i> )
299	4915		Yes	10/2	10/3	10/3/14	<b>Crime victims; other;</b> crime victim's rights fund; extend sunset. ( <i>Rep. M. Lori</i> )

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	HB	SB					
300	5615		Yes	10/9	10/9	1/1/15 #	<b>Crimes; other;</b> racketeering statute; include a provision regarding purchasing or possessing ephedrine or pseudoephedrine knowing or having reason to know it is intended to be used to manufacture methamphetamine. <b>(Rep. J. Kivela)</b>
301		0882	Yes	10/9	10/9	10/9/14	<b>Transportation; other;</b> requirement of annual certification of employee-related conditions by local road agencies; modify. <b>(Sen. T. Casperson)</b>
302		1016	Yes	10/9	10/9	10/9/14	<b>Transportation; funds;</b> transportation economic development fund; extend fiscal year funding for the state trunk line fund. <b>(Sen. R. Kahn)</b>
303	4545		Yes	10/9	10/9	1/7/15	<b>Traffic control; other;</b> practice of soliciting business at scene of vehicle accident, emergency, or disablement; prohibit, and designate as a civil infraction. <b>(Rep. D. Zorn)</b>
304	5507		Yes	10/9	10/9	10/9/14	<b>Human services; county services;</b> county administrative rate for foster care services; eliminate. <b>(Rep. P. MacGregor)</b>
305	5248		Yes	10/9	10/10	1/9/15	<b>Occupations; dental assistants;</b> use of certain military experience as the basis for waiver of certain fees for licensure as a dental assistant; authorize. <b>(Rep. G. Haines)</b>
306		0861	Yes	10/9	10/10	10/10/14	<b>Children; other;</b> provision regarding the disbursement of the children's trust fund; modify. <b>(Sen. R. Richardville)</b>
307		0705	Yes	10/9	10/10	10/10/14	<b>Courts; records;</b> recording of hearing involving minor; require to be maintained pursuant to supreme court rules. <b>(Sen. R. Jones)</b>
308		0890	Yes	10/9	10/10	10/10/14	<b>Human services; children's services;</b> redetermined adoption assistance agreements for certain adoptions; provide for. <b>(Sen. B. Caswell)</b>
309	5457		Yes	10/9	10/10	10/10/14	<b>Counties; charter;</b> number of charter commissioners required for counties with a population over 600,000; modify. <b>(Rep. M. Lane)</b>

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	HB	SB					
310	5552		Yes	10/9	10/10	10/10/14	<b>Property tax; assessments;</b> definition of transfer of ownership; exclude certain transfers. (Rep. P. Pettalia)
311	5407		Yes	10/13	10/14	10/14/14	<b>Health; pharmaceuticals;</b> opioid antagonist including naloxone hydrochloride; allow prescribers to prescribe and pharmacists to dispense under certain circumstances to friends or family of individuals who may suffer overdose, and require department to publish a report. (Rep. A. Forlini)
312	5404		Yes	10/13	10/14	10/14/14	<b>Health; emergency services;</b> protocols that require emergency response vehicles to carry opioid antagonists and require emergency services personnel to be trained; require medical control authority to develop. (Rep. H. Crawford)
313	5405		Yes	10/13	10/14	10/14/14	<b>Crimes; controlled substances;</b> immunity from criminal prosecution or administrative sanction for prescribing, dispensing, possessing, or administering opioid antagonist; provide for. (Rep. A. Forlini)
314		0857	Yes	10/13	10/14	10/14/14	<b>Torts; liability;</b> administration of a drug in response to a drug overdose; provide protection from civil liability. (Sen. T. Schuitmaker)
315	5385		Yes	10/14	10/14	1/12/15	<b>Crimes; intoxication or impairment;</b> preliminary chemical testing for certain controlled substances; authorize, and provide for procedures and penalties for refusal. (Rep. D. Lauwers)
316		0863	Yes	10/14	10/14	1/12/15 #	<b>Criminal procedure; pretrial procedure;</b> release from custody subject to certain conditions following preliminary roadside analysis and entry of order into LEIN; provide for. (Sen. P. Pavlov)
317	5438		No	10/14	10/14	**	<b>Vehicles; driver training;</b> training to enhance motorcycle and bicycle awareness; provide for. (Rep. T. Brown)
318		0998	Yes	10/14	10/14	1/1/15	<b>Law enforcement; other;</b> sexual assault evidence kit tracking and reporting act; create. (Sen. R. Jones)
319		1004	Yes	10/14	10/14	4/1/15	<b>Crime victims; rights;</b> sexual assault victim's access to justice act; create. (Sen. B. Johnson)

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320		1021	Yes	10/14	10/14	1/1/15	<b>Health facilities; hospitals;</b> administration of and procedures relating to sexual assault evidence kit; modify, and require patient be notified of payment provisions applicable to sexual assault medical forensic examination. <b>(Sen. B. Johnson)</b>
321		1036	Yes	10/14	10/14	1/12/15	<b>Health; testing;</b> administration of HIV testing of certain defendants; require expedited testing upon request of victim under certain circumstances. <b>(Sen. R. Jones)</b>
322	5097		Yes	10/15	10/15	10/15/14	<b>Labor; arbitration;</b> limitation on wage increases during collective bargaining agreement negotiations; provide for exceptions. <b>(Rep. J. Walsh)</b>
323	4624		Yes	10/15	10/15	10/15/14	<b>Labor; public service employment;</b> firefighter employment with another fire department; allow, and make prohibited subject of bargaining. <b>(Rep. J. Haveman)</b>
324		0584	Yes	10/16	10/16	1/14/15 #	<b>Criminal procedure; indictment;</b> statute of limitations for child sex trafficking or commercial sexual exploitation of children offenses; eliminate. <b>(Sen. J. Emmons)</b>
325	5158		Yes	10/16	10/16	#	<b>Law enforcement; other;</b> human trafficking commission act; enact. <b>(Rep. K. Heise)</b>
326		0205	Yes	10/15	10/16	1/14/15 #	<b>Crimes; penalties;</b> crime of soliciting sex act from a minor who is less than 18 years of age; increase penalties. <b>(Sen. J. Emmons)</b>
327		0206	Yes	10/15	10/16	1/14/15 #	<b>Criminal procedure; sentencing guidelines;</b> sentencing guidelines for crime of soliciting a person under 18 years of age to commit prostitution; provide to reflect increased penalty. <b>(Sen. T. Schuitmaker)</b>
328		0602	Yes	10/15	10/16	1/14/15 #	<b>Criminal procedure; sex offender registration;</b> definition of tier II offender; revise to include crime of recruiting a minor for commercial sexual activity or forced labor or services. <b>(Sen. J. Hune)</b>
329	5234		Yes	10/15	10/16	1/14/15	<b>Crimes; other;</b> human trafficking provisions; modify. <b>(Rep. N. Jenkins)</b>

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## 2014 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
330	4021		Yes	10/15	10/16	1/14/15	<b>Crimes; kidnapping;</b> kidnapping; expand intent element. (Rep. G. Darany)
331	5231		Yes	10/15	10/16	10/16/14	<b>Crimes; prostitution;</b> gender references in certain prostitution statutes; eliminate. (Rep. J. Graves)
332	5236		Yes	10/15	10/16	1/14/15 #	<b>Crimes; other;</b> criminal forfeiture provisions in the revised judiciary act of 1961; amend to reflect changes in human trafficking law. (Rep. E. McBroom)
333	5233		Yes	10/15	10/16	1/14/15 #	<b>Criminal procedure; forfeiture;</b> forfeiture of property for certain human trafficking violations; provide for. (Rep. K. Kesto)
334		0585	Yes	10/15	10/16	1/14/15 #	<b>Crimes; prostitution;</b> deferred sentencing for certain human trafficking victims; provide for. (Sen. M. Nofs)
335	5025		Yes	10/15	10/16	1/14/15 #	<b>Criminal procedure; expunction;</b> victim of human trafficking to set aside certain prostitution convictions; allow under certain circumstances. (Rep. K. Heise)
336	5012		Yes	10/15	10/16	1/14/15 #	<b>Crimes; prostitution;</b> minors engaged in prostitution; create presumption of coercion under certain circumstances, and provide for increased penalties for certain crimes. (Rep. E. Kowall)
337		0587	Yes	10/15	10/16	1/14/15	<b>Children; services;</b> counseling program for children found to be victims of human trafficking; provide for. (Sen. V. Gregory)
338		0593	Yes	10/15	10/16	1/14/15	<b>Children; foster care;</b> consideration within foster care system for minors who may be victims of human trafficking; allow. (Sen. R. Warren)
339		0590	Yes	10/15	10/16	1/14/15 #	<b>Civil procedure; civil actions;</b> human trafficking; allow victims to sue violators for damages. (Sen. J. Proos)

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PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
340	5237		Yes	10/15	10/16	1/14/15 #	<b>Criminal procedure; sentencing;</b> William Van Regenmorter crime victim's rights act; amend human trafficking restitution provisions to reflect changes in human trafficking law. (Rep. P. Cavanagh)
341		0592	Yes	10/15	10/16	1/14/15	<b>Human services; medical services;</b> victims of human trafficking to receive medical and psychological care; establish. (Sen. J. Proos)
342	5026		Yes	10/15	10/16	1/14/15 #	<b>Juveniles; other;</b> court jurisdiction over dependent juveniles in danger of substantial physical or psychological harm; allow. (Rep. K. Heise)
343		0597	Yes	10/15	10/16	1/14/15	<b>Health; occupations;</b> training requirements for medical professionals regarding human trafficking; implement. (Sen. R. Warren)
344	5239		Yes	10/15	10/16	1/14/15	<b>Children; protection;</b> department of human services to report suspected child abuse or child neglect involving human trafficking to law enforcement; require. (Rep. K. Kurtz)
345		0991	Yes	10/15	10/17	10/17/14	<b>Health; other;</b> experimental therapies for certain individuals; facilitate use. (Sen. J. Pappageorge)
346	5649		Yes	10/15	10/17	10/17/14 #	<b>Health; occupations;</b> action against certain professional licenses for conduct regarding access to or treatment with an investigational drug pursuant to the new "Right to Try" act; prohibit. (Rep. N. Jenkins)
347	4638		Yes	10/15	10/17	10/17/14 #	<b>Records; public;</b> copy of original mortgage verified by affidavit; authorize recording of and provide for protection of lien. (Rep. P. Pettalia)
348	4640		Yes	10/15	10/17	10/17/14 #	<b>Records; public;</b> recording copy of original conveyance; specify requirements for accompanying affidavit. (Rep. P. Pettalia)
349	4639		Yes	10/15	10/17	10/17/14 #	<b>Records; public;</b> recording affidavit and copy of original conveyance; allow for indexing under name of affiant only in certain cases. (Rep. M. Lane)

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PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
350	4867		Yes	10/15	10/17	10/17/14	<b>Criminal procedure</b> ; sentencing guidelines; offense variable 10 related to the exploitation of a vulnerable victim; expand definition of predatory conduct to include preoffense conduct directed at a law enforcement officer posing as a potential victim. (Rep. T. Leonard)
351	5107		Yes	10/15	10/17	1/16/15	<b>Natural resources</b> ; inland lakes; repair or replacement of a failed seawall; provide for a minor permit category. (Rep. J. Graves)
352	5785		Yes	10/15	10/17	10/17/14	<b>Criminal procedure</b> ; sentencing; permissible costs; revise. (Rep. J. Walsh)
353	5798		Yes	10/15	10/17	10/17/14	<b>Liquor</b> ; beer; definition of brewpub, fingerprinting requirements, conditional licenses, and brand logoed items; increase number of barrels and clarify. (Rep. H. Crawford)
354	5606		Yes	10/21	10/21	10/21/14	<b>Trade</b> ; business practices; provision regarding prohibited conduct by manufacturer; modify. (Rep. A. Nesbitt)
355	5273		Yes	10/21	10/21	10/21/14	<b>Trade</b> ; securities; Michigan investment markets for transactions in Michigan securities; authorize and regulate. (Rep. N. Jenkins)
356		0781	Yes	11/25	11/25	11/25/14 +	<b>Appropriations</b> ; zero budget; supplemental appropriations; provide for fiscal years 2013-2014 and 2014-2015. (Sen. R. Kahn)
Veto	4379			No		7/2/14 #	<b>Occupations</b> ; foresters; qualified foresters; define in NREPA. (Rep. H. Crawford)
Veto	4380			No		7/2/14 #	<b>Occupations</b> ; foresters; definition of foresters qualified to prepare forest management plans in general property tax act; modify. (Rep. H. Crawford)
Veto		0481		No		7/2/14 #	<b>Occupations</b> ; foresters; regulation of foresters; repeal registration requirements and rescind administrative rules. (Sen. M. Jansen)

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	HB	SB					
Veto		0484		No		7/2/14 #	<b><i>Occupations</i></b> ; foresters; registration fee for foresters; repeal. <b><i>(Sen. M. Jansen)</i></b>

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